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SPEECH

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OF

MR. GERRY, OF MAINE,

ON

THE SLAVERY QUESTION,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, MAY 21, 1850.

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THE SLAVERY QUESTION.

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. GERRY said: I have not sought to address this committee for the purpose of arraying the North against the South, or to add anything to the general sum of hostility already existing between the two sections. Neither would I intentionally utter a single sentiment to wound the feelings of any gentleman, although I shall speak plainly and fearlessly the opinions I entertain in relation to the great and absorbing questions that now divide the country. We have approached that period of our history when to disguise our real sentiments in relation to the institution of slavery would be suicidal, and may produce results most disastrous to our common country. A controversy has arisen upon one of the most important, and I may say alarming, questions that ever filled the mind of the American people. With a prophetic vision, the fathers of the Republic, and the framers of our Constitution, clearly foresaw the evils that now threaten us. They could not close their eyes to the great truth, that the fundamental doctrines of the Revolution, which had been promulgated by them to the world, were at war with the institution of slavery; hence, speeches were made, measures adopted, and acts of omission and commission, most emphatically and directly looking to the ultimate extinction of the institution. At the period of the formation of this Government, slavery existed to a greater or less extent throughout the civilized world; and, wonderful to say, we are almost the only people that have made little or no progress in the great work of emancipation; and the great and paramount question now is, disguise it as we may, whether this noble and philanthropic design of the ultimate extinction of slavery, in a peaceful, equitable, and constitutional mode, shall be still kept in view, or abandoned. In the free States, I think I am warranted in saying, there is no diversity of sentiment upon this subject. All most ardently desire the last vestiges of the institution obliterated. The people of the North, in common with a large portion of the civilized world, have no sympathy with the institution of slavery; and, while I say this, I feel bound to declare also, that they, with a few infamous exceptions, will most sacredly and religiously discharge their constitutional obligations to the Union, and to the slaveholding States. There is no disposition on the part of the people of the free States to invade the rights of the South. They are willing to stand by the Union as it was formed; and in seeking to prevent the further extension of slavery, and especially into territory now free, they do not understand that they are infringing upon the constitutional or just rights of the South. They share in the sentiments so widely entertained by the patriots and sages of the Revolution, that the institution of slavery is a curse to any people who would be free. They still entertain the hope—and, as they look through a vista of years, they fancy they see the hand of Providence preparing the way—for final and total emancipation. But they do not expect this great work will be accomplished in violation of the Constitution, or in the subversion of the rights of the South. They do not expect the institution will ever be abolished except by the action of the States wherein it now exists. The opinions that we of the North entertain in relation to the evils of slavery, are not new with us. We inherited them from our fathers, who transmitted them to us, as they did the doctrines and benefits of the Revolution. The same opinions were held by the ablest and most distinguished statesmen of the South. And here I would ask gentlemen of that section to pause before they further go, and tell me what appropriation they have made of these opinions. Yes, sir, before they any more deride and denounce the North for their hostility to slavery, and its extension into free territory, I would beg to know to what use they have assigned this inheritance. From the current opinions almost daily expressed upon this floor, by gentlemen from that section, I should imagine they, like the slothful servant, have buried it in the earth, together with all recollection of its existence. We are now told that slavery is a great blessing—not only to the whites, but to the blacks; that it is necessary to our social as well as our political existence; that it is an institution of divine origin, sanctioned by the Scriptures and morality, and in perfect harmony with the spirit and genius of our institutions of government. Now, sir, to all this I give my unqualified dissent; and, in the first place, reply, that the principles of slavery are in conflict with human rights and human freedom, as set forth and defined in the great American chart of human liberty, the Declaration of Independence; and, in the next place, that these assertions are in direct opposition to the opinions and experience of almost the whole civilized world; and, finally, are in conflict with the views of Washington, Jefferson, Madison, and a host of other eloquent names of the South, that adorn the annals of our country.

I have already said the institution of slavery is at war with the fundamental principles of the Revolution. I am supported in this view by what will be regarded as high authority in the South. Mr. Calhoun, on a late occasion in the Senate of

the United States, in defence of what is called southern rights, assailed the Declaration of Independence as imbodying heresies dangerous in their tendency and subversive of civilization and good government.

On the occasion referred to, Mr. Calhoun said:

"Instead, then, of all men having the same right to liberty and equality, as is claimed by those who hold that they are all born free and equal, liberty is the noblest and highest reward bestowed on mental and moral development, combined with favorable circumstances. Instead, then, of liberty and equality being born with man; instead of all men, and all classes and descriptions, being equally entitled to them, they are high prizes to be won, and are, in their most perfect state, not only the highest reward that can be bestowed on our race, but the most difficult to be won, and when won the most difficult to be preserved.

"They have been made vastly more so by the dangerous error I have attempted to expose, that all men are born free and equal, as if those high qualities belonged to man without effort to acquire them, and to all equally alike, regardless of their intellectual or moral condition. The attempt to carry into practice this most dangerous of all political errors, and to bestow on all, without regard to fitness either to acquire or maintain liberty, that unbounded and individual liberty supposed to belong to man in the hypothetical and misnamed state of nature, has done more to retard the cause of liberty and civilization, and is doing more at present, than all other causes combined. While it is powerful to pull down governments, it is still more powerful to prevent their construction on *proper principles*."

If my reading and observation of passed and passing events be correct, this is the first time in the history of our Government when any statesman, in either branch of Congress, of eminence and character, has openly and directly repudiated, as a fundamental error, the great truth that all men by nature are equally entitled to the blessings of liberty. Here we have, in the person of him who but lately—but now numbered with the dead—was the great and admired champion of the South and their peculiar institutions, a direct attack upon that principle of eternal justice which lies at the base of this Government. In the same person, we have an attack upon the opinions and principles of those venerable men who purchased the blessings of civil and religious liberty we now enjoy, with the price of their treasure and their blood, because they loved liberty more than slavery. In the person of the same individual, we have an assault upon those principles which animated our fathers and carried them through that glorious struggle which gave birth to this nation. And for what—yes, sir, I repeat—and for what end have these attacks been made? I answer, for the purpose of REVOLUTION, and to perpetuate human bondage. And the question then is, whether we are prepared to stand by that platform, dedicated to us by a glorious ancestry, or relapse into that state of inequality of rights and oppression from which our fathers fled? We have it here distinctly announced that Governments should not be constructed upon the principles of equality of rights among men. But we are not informed distinctly upon what basis Governments should be constructed. That is left to inference: and the inference I draw from the language quoted is, that they should be established for the benefit of the few, to the prostration and subversion of the rights of the many. How strangely these sentiments contrast with those entertained by the patriots of the Revolution, and which have been the theme of admiration throughout the civilized world, and which I trust in Heaven will ultimately hurl every despot in christendom from place and power.

On a more recent occasion the same individual, in a celebrated speech delivered in the Senate, while attempting to define what would preserve the Union, said:

"The North must cease the agitation of the slave question, and provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South in substance, the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government."

Now, here is another attack upon our present system of Government, and a demand for REVOLUTION. We are, in the first place, called upon to sacrifice a great constitutional privilege, guarantied to the humblest individual in this broad empire—the freedom of speech, the right of petition and free discussion. Not only so, but a demand is made for an amendment of the Constitution, so as to confer on the minority the control of the Government, and restore an equilibrium between the two sections of the Union, which he alleges has been destroyed by the action of this Government, but which, in fact, has been lost by the inevitable effect of causes and influences over which this Government has no control. With great disparity of natural advantages favorable to the South, the North has outstripped her in population, wealth, any many of the grand resources of greatness and power. Nor can these results be attributable to the legislation of Congress. Not at all. In a word, they are the direct effect of free and slave labor. The producers of every country are the bone and sinew of wealth and power, and are the only reliable resource of a nation. The laborers are the producers; and just in proportion as a freeman rises higher than a slave, so will a country, whose laborers are free, transcend another, all other things being equal, whose laborers are slaves, in all the elements of national greatness and power. But from whence is this idea of an equilibrium between the North and the South, or the slave and free States? We do not find it in the Constitution; and I look in vain for it in the formation of this Government. A more fallacious, and in my judgment, a more dangerous theory, looking to the permanency of the Union, cannot be devised. A nation undertaking to balance its sections between freedom and slavery, would exhibit a monument of folly and madness unparalleled in the history of the past. Self-destruction would be inevitable.

And, sir, for what end, for what object, and for what purpose are these most extraordinary doctrines and demands set forth? I answer, as my deliberate conviction, that they are two-fold—revolution, and the perpetuation of human bondage.

I sing no pæans to this Union; its glories are written in the past, in the present, and in promises of a career of unparalleled prosperity, happiness, and renown in the future. I sing no lullabys to gentlemen from any quarter of this Confederacy, who have lost their affection and devotion to this Union. To them I should expect to appeal in vain. But I would invoke all those who love liberty and who love this Union, to stand by it as it was formed, and those eternal principles of equality and liberty upon which it was based.

In confirmation of the view I have endeavored to maintain, that it was a favorite idea with the leading statesmen of the South, during the period of the Revolution and the formation of this Government, to accomplish ultimately the total emancipation of slaves in this country, I propose to introduce some contemporaneous evidence, directly in point. And, in the first place, I will read from the writings of George Washington. In a letter to

Robert Morris, dated Mount Vernon, April 12th, 1786, he said:

"I can only say, there is not a man living who wishes more sincerely than I do to see a plan adopted for the abolition of it, [slavery;] but there is only one proper and effectual mode in which it can be accomplished, and that is by legislative authority; and this, so far as my suffrage will go, shall never be wanting."—*Sparks's Washington*, 156.

Again, in a letter to John F. Mercer, dated September 9, 1786, he said:

"I never mean, unless some particular circumstances should compel me to it, to possess another slave by purchase; it being among my first wishes to see some plan adopted by which slavery in this country may be abolished by law."

In his Notes on Virginia, Mr. Jefferson says:

"I think a change already perceptible since the origin of our present Revolution. The spirit of the master is abating—that of the slave is rising from the dust, his condition mollifying, and the way I hope, preparing, under the auspices of Heaven, for a total emancipation."

Again, Mr. Jefferson says:

"Nobody wishes more ardently than I to see an abolition, not only of the trade, but the condition of slavery, and certainly nobody will be more willing to encounter any sacrifice for that object."

In the Convention which formed our Constitution, Mr. Madison said:

"I think it wrong to admit the idea, in the Constitution, that there can be property in man."

The suggestion of Mr. Madison was adopted, and so zealous were the framers of that instrument to prevent even a color of approbation for the long continuance of the institution, that not even the term slave was allowed to find its way into the Constitution.

In the Convention of the State of North Carolina, when the question of the adoption of our Federal Constitution was under consideration, Mr. Iredell, of that State, said:

"When the entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind and every friend of human nature."

Mr. Parker, who was a member of the first Congress under the Constitution, from Virginia, during a discussion in relation to that provision of the Constitution inhibiting the slave trade, held the following language:

"He hoped Congress would do all in their power to restore to human nature its inherent privileges, and, if possible, wipe off the stigma which America labored under."

Mr. Mason, of Virginia, while the same provision was under consideration in the Federal Convention that formed the Constitution, said:

"The present question concerns not the importing States alone, but the whole Union. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the enemy, they would have proved dangerous instruments in their hands."

Again, on the same occasion, after having said many things which, if repeated now by any gentleman from the free States would, in the opinion of gentlemen from the South, entitle him to the sobriquet of "abolitionist," spoke as follows:

"He held it essential, in every point of view, that the General Government should have power to prevent the increase of slavery."

The institution of slavery at the period referred to, was regarded with so much hostility by the leading men in all parts of the country, that the committee who drafted and reported the Declaration of Independence, felt constrained to, and did assign the fact, that the British King had by his acts fastened it upon the Colonies, as one of the grievances which justified separation. I might go on and multiply evidence in support of the proposition, that it was a favorite idea of the leading statesmen of the South to adopt some scheme for the final and total extinction of the institution of slavery; but I have neither time nor space in the brief hour allotted me. So universal was this sentiment, that Mr. Leigh, in the convention of Virginia, in 1832, said:

"I thought till very lately, that it was known to every body, that during the Revolution, and for many years after, the abolition of slavery was a favorite topic with many of our ablest statesmen, who entertained with respect all the schemes which wisdom or ingenuity could suggest for its accomplishment."

I have now closed the evidence in relation to this branch of my inquiry. But before I dismiss it, and pass to another, I desire to ask gentlemen of the South, who, in view of all these facts, and in view of the history of the times, and the spirit that lit up the torch of the Revolution, and carried it forward to a most glorious triumph, can doubt the truth of the position I have endeavored to maintain? And if I am correct in supposing there is no doubt upon this point, I beg to know who has "boxed the compass," who has "changed fronts," and who is attempting to "aggress" upon the terms and spirit in which this Union was formed.

I now come to the consideration of the question, Have Congress the power, under the Constitution, to interdict slavery in the territories belonging to the General Government?

This proposition has been so fully discussed in this and the other branch of Congress, during this debate, I do not flatter myself that I can shed any light upon the subject. But the relation I bear to higher power—the people who sent me hither to represent their interests upon this floor—alone constrains me at this time to approach this subject.

It seems now generally conceded, that Congress have the power to establish governments for the territories. That power has been, in high quarters, derived outside the Constitution, from the relation of the territories to the General Government, and the imperious necessity of the case. I know of no such necessity, and acknowledge no such doctrines, that require Congress to exercise any power not conferred upon it by the Constitution. I hold that all the powers of Congress are inside the Constitution, and are either express or implied, direct or incidental.

But it would seem, however, that the right to govern very naturally flows from the right to acquire territory. The sovereignty must reside somewhere. If Mexico have parted with the sovereignty of California, New Mexico, and Utah, by a treaty of cession to the Government of the United States, can there be any doubt as to where that sovereignty now rests? Sovereignty implies the right to govern, and if the sovereignty of these territories be with the Federal Government, can anybody reasonably doubt the right of Congress to institute governments for them?

But I am of the opinion, that the power of Congress to establish governments for the territories may be derived from the 4th article, section 3d, of the Constitution of the United States.

The clause referred to reads as follows:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States."

It would seem, upon the reading of this clause of the Constitution, that the framers of that instrument intended to confer upon Congress all necessary powers of legislation—and I do not propose to go into any lengthened argument to show that this is a legitimate and proper interpretation of the passage quoted—I desire only to call the at-

tention of the committee to a few facts, which, to my mind, aid in this interpretation. In the first place, it is objected, that the term "territory" means nothing more nor less than land. I know of no authority that warrants this definition of the term. It is not its literal meaning, nor is it the sense in which it is commonly used. Therefore the construction that is attempted to be placed upon it, is a forced one, and not to be accepted, unless its position in the sentence, or the circumstances under which it was used, clearly indicate and compel such an interpretation. I see no such position, and know of no such circumstances.

Again: it is objected, that the terms, "rules and regulations," do not rise to the significance of laws, but that they are to be understood in their most limited and narrow sense. Now, in the first place, I will say, that a law is nothing more than a rule or regulation; and in the next place, by recurring to the history of the period when our Constitution was formed, we shall find the terms "rules and regulations" used in legislative proceedings as synonymous with the term laws. I will refer to one single case only.

In the act of cession by the General Assembly of North Carolina of that territory now embraced in the State of Tennessee, I find the following language:

"*Provided always*, That no *regulations* m de or to be made by Congress shall tend to emancipate slaves."

Can anybod, doubt the term "regulations" here means nothing more nor less than laws?

Without further comment upon the terms of this provision, I now propose to call the attention of the committee to a few contemporaneous facts.

It will be recollected by all who are conversant with the history of the period in question, that at that time, there were territories belonging to the General Government; that Congress had already established governments for them, and, in the opinion of Mr. Madison, without the "color of authority." In view of these facts, the Convention to form a Constitution met, and the question of conferring upon Congress the power to provide governments for the territories, was brought to their notice by Mr. Madison, who was a member of the Convention.

On the 18th of August, 1787, Mr. Madison, in Convention, moved the following propositions, as proper to be imbodied in the Constitution, in order that they might be referred to the Committee of Detail:

"1st. To dispose of the unappropriated lands of the United States.

"2d. To institute temporary governments for new States arising therein."

These propositions were referred, but were never reported back, having been superseded by the adoption of the provision in question. The term "States," in the second proposition, appears to have been used in the sense we apply to the term territories organized into governments.

To show more clearly that the framers of the Constitution, and especially Mr. Madison, entertained no doubt about the powers conferred on Congress by the provision under consideration, and that it substantially embraced the powers proposed by him in the two propositions before cited, I will read from the forty-third number of the Federalist, also written by him, wherein he says:

"The eventual establishment of new States seems to have been overlooked by the compilers of that instrument, (Articles of Confederation.) We have seen the inconvenience of this omission, and the assumption of power into which Congress have been led by it. With great propriety, therefore, has the new system supplied the defect."

He then quotes the clause—

"Congress shall have power to dispose of, and make all needful rules and regulations, respecting the territory or other property belonging to the United States."

And then says:

"This is a power of very *great importance*, and required by considerations similar to those which show the propriety of the former."

By the former is meant, the power to admit new States into the Union; and now, is it to be supposed that Mr. Madison would have magnified this provision into the importance of the one providing for the admission of new States into this Union, if he had understood that it conferred upon Congress only power to dispose of the public lands belonging to the United States? I think not. Again: the very first Congress that met under the Constitution, and composed in part of the same men who had contributed to the formation of that instrument in the Convention, did not hesitate to exercise, and did exercise, the power claimed; and it has been repeatedly exercised by that body at different periods, from that time through a series of sixty years, reaching down to the organization of the Oregon Territory. It is immaterial, for all practical purposes, whether you locate this power in the 3d section of the 4th article of the Constitution, or in the one which authorizes the acquisition of territory. A practice of sixty years, without detriment to the Government or the people, in my judgment, is a safe precedent, and should settle a mere question of constitutional construction.

Having, as it seems to me, shown that Congress, under the Constitution, have the power to institute governments for the territories, the remaining question is, What is the extent of that power? and this, in fact, is the great question in debate. And here I will remark, that I have not time to elaborate this point as I should like, and therefore my answer to the question propounded must be brief.

The relation of the Territories and that of the States are altogether different toward the Federal Government. The General Government is a creature of the people of the States, and although dependent upon their will for its existence, still, so long as it does exist, may exercise all just powers with which it has been clothed. Although the power of the Federal Government over the States and the people may be sovereign in some respects, still this power is derived from their consent; but because this power is derived from the consent of the people, it is none the less positive, and should be no restraint upon its legitimate and proper exercise. All the just powers of the Federal Government are set forth and defined in the Constitution, and all the powers not given therein are reserved to the people.

Among the powers conferred upon this Government is the one to acquire territory. The territories thus acquired, then, are the creatures of the Federal Government; and subject to its authority; and until Congress sees fit to waive its authority, I hold, it has rightfully the power of exclusive legislation over them. And here I will observe that I make a broad distinction between the power of exclusive and absolute legislation. The Constitution has expressly prohibited Congress granting "titles of nobility," or passing any "bill of attainder" or "ex post facto laws;" and in many other respects the legislative power of Con-

gress is expressly limited by that instrument, and without reference to the States or the Territories. Hence, I say, the legislative power of Congress over the territories is exclusive, but not absolute. I hold, then, that Congress may rightfully exercise all legitimate power of legislation over the territories, except in those cases where the Constitution has prohibited it; and consequently have clearly the right to interdict slavery therein.

I come, now, to the question: If Congress have the power to prohibit slavery in the territories, is it expedient? To this question I do not hesitate to answer, that it is. I do not desire to speak of the institution of slavery in a moral point of view. I shall speak of it only as a political and social institution, although I am persuaded that it is a high-handed offence against the natural and inherent rights that belong to man, and cannot be justified upon any just principles of morality, held among the enlightened nations of the civilized world.

We hear it frequently said by gentlemen of the South, that the institution of slavery is one in which the people of the free States have no interest; that if there be evils connected with the institution, they are borne by those who reside in the States wherein it exists. This may be true in some respects, but not to the extent indicated. The people of the free States are affected, more or less, unfavorably by this institution. Your slave labor is brought into direct competition with free labor, and has a tendency to bring labor into disrepute. The existence of the institution in the territories of this Government would be an insuperable bar to the emigration of the laborers of the free States. The tendency of the institution is to create large landholders, who cultivate their land only in part, and with slaves, to the exclusion of a proper and just division among freemen. In short, the institution is a monopoly, subversive of the just rights of the free laborers.

Again, it is a dangerous institution. It is not only dangerous to the people of the States wherein it exists, but it is a most formidable power that might be brought to bear, under favorable circumstances, against this Government. The institution of slavery is the most vulnerable point in it, and if it is allowed to spread itself over the vast domain belonging to, and hereafter to be acquired by, this Government, who can foretell the consequences? Can anybody doubt that this power would ultimately be brought in conflict with the interests of the people of all these States, either by a collision between the two races, or as the ally of some foreign enemy? And is this institution to spread even at the hazard of the most vital interests of this Government? And is this deadly nightshade to the internal power and strength of this Union to be fostered and nursed in the lap of the Representatives of a free people? I hope not. Will they not look to the interests of those who shall come after us? Will they not be warned in season. Sir, if this institution is allowed to progress, and accumulate in force and power as it may, your children, or your children's children, will make up their beds amidst the volcanic fires of a most desolating conflict between the two races—a carnage most terrible will be inevitable. But we are told that if we interdict the progress of this institution, this Union shall be dissolved. Now, sir, this is a stroke at the base of all just and legitimate legislation. A majority are told that they can only exercise their constitutional powers at the peril of the Union. I know not that there is a majority in Congress, or in this House, in favor of the passage of a law prohibiting slavery in the territories. Be that as it may, the doctrine here inculcated is the same, and it is against that, that I protest. Sir, whenever the minority shall have usurped the rights of the majority, and the latter shall legislate under duress, the end for which this Government was established will have ceased; and any people who have formed a constitutional government, and prescribed the mode and manner of its administration, that can be deterred by such threats from an honest discharge of their constitutional duty, are unfit to be free. Instead of appealing to the only tribunal known to and provided in the Constitution, to settle the question in dispute, gentlemen propose the great arbiter of the sword. If I believed that any considerable portion of this Confederacy had made up their minds to make the passage of any law by Congress the condition of an appeal to arms, instead of the constitutional remedies, the COURTS and the BALLOT BOX, I should tremble for my country. Whenever this Union shall cease to be maintained by the affections of the people, and the glories that encircle it, and the illustrious names that adorn its history, its days will have been numbered and passed.

I wish to say in this connection, that I am in favor of the admission of California into the Union of these States, although it is not to be disguised that there are serious objections to her admission with her present boundaries, and the privileges and immunities claimed, which might, under other circumstances, control my vote. And in accordance with the views I have indicated, I am also in favor of the organization of the territories of Utah and New Mexico, with a provision interdicting slavery therein, although it is said such a provision would be useless, as slavery is already prohibited by the laws of nature. This may be so, and if true, a law of Congress will only aid nature in the accomplishment of her great designs] I am persuaded that Congress clearly have the right to do so, and that, if a majority are of that opinion, and think it expedient also, I know of no good reason why they should not exercise that right. But, while I am in favor of the organization of these territories and interdicting slavery therein, I am not insensible to the claims of the people of these territories upon Congress for a government of some sort; and if I cannot give them as good a government as I would, I am in favor of giving them such protection as I can. I am utterly opposed to that miserable and contemptible policy of leaving these territories open to anarchy, or to the merciless rule of a military despotism. And, for one, I know of no way that the organization of these territories, without saying anything about slavery, can add to the present facilities for introducing slavery therein. If these territories are now free, they will remain so under an organization such as I have indicated, or, at least, will be as likely to, as they will to remain in their present condition. Hence, sir, I repudiate, as a senseless humbug, the idea that the mere organization of governments for these territories will be more favorable to the introduction of slavery therein, than the present state of things; and any assertions to the contrary, without reason or argument to support them, can have no weight upon my mind.

I have already said, this is no time for concealment, or to disguise our real sentiments in relation to the great and absorbing questions that unhap-

pily distract our country; and yet upon these all-important questions, and which threaten to rend asunder the union of these States, can any gentleman, and if so will he, inform the people of this Republic, what the opinion of one of the coördinate branches of this Government is in relation to these great questions? Can any man tell me whether Zachary Taylor is for or against interdicting slavery in the Territories? Now, sir, I undertake to say that this criminal concealment of opinion on his part, lies at the foundation of the present unhappy, if not alarming, state of things. If his opinion upon this subject had been known and spread before the American people, before the election which elevated him to the presidential office, the issue would have been made, and the verdict of the people would have been final—there would have been no appeal. But how stands the case now? The fruit of that election, which was perpetrated in fraud and a wanton concealment of opinion, has been scattered broadcast over the entire country, from which a malaria has arisen destructive of the progress and stability of our free institutions. But, sir, the success of the hazard has infatuated the gamester; still there are objects in the future to obtain—still the dazzling crescent of power is seen in the dim distance; and to obtain it what a price is bid! what a hazard for an American President! How immeasurably great that responsibility! The criminal concealment of the President of the United States of his opinions upon this subject, has already rent the good feeling which has hitherto, and should forever, exist between the North and the South. The country demands repose; but Zachary Taylor, agitation! agitation!! agitation!!! And to what end? To emancipate the slaves of the South—to prevent the extension of the institution of slavery, or to protect more effectually or secure more permanently the rights of the South? No, sir; no. It is the glittering scepter of power for which he demands agitation; it is that he and his friends may wear the robes of office, and revel and riot upon the spoils. Was this the example set him by the "earlier Presidents?" Does the history of the country present a parallel? In the North he was represented as hostile to the further extension of slavery; in the South he was regarded as the champion of the institution. In the North it was urged that he should be more acceptable to the free States than his distinguished competitor, who, as it was alleged, had pledged himself to the South; and in the South it was declared that he had given them "three hundred living pledges on his plantation," and that he was "with them, of them, and for them."

Now, sir, this Janus-faced candidate attained the object of his ambition. He succeeded to the presidential honors, and we look in vain to his inaugural address, to his first annual message, or to his special messages for a solution of the mystery. And at what cost the people are held in this suspense, the future will disclose. And now, who of his friends dare trust him? Will the honorable member from Georgia, [Mr. Toombs,] or the honorable member from North Carolina, [Mr. Clingman,] trust him? If so, why this hue and cry of aggression and disunion? Cannot your southern President step between the North and the South and arrest the passage of the "proviso?" But, sir, who does not know this Whig President is clay in the hands of the "Galphins" that have been called to his council?

Now, sir, it becomes a very interesting inquiry, who is responsible for this state of things—the North or the South, the Democratic or Whig party? I reply, in the first place, that this responsibility is divided between the Whig party and the South. The Whig party are responsible for the fraud that has been perpetrated in the concealment of his opinions up to the present hour, and the South for his election. If the States south, which have before and since given Democratic votes, had cast their votes for General Cass, he would have been elected, instead of that monument of the perfidy and treachery practiced in the election of 1848. Now, do southern gentlemen suppose that the Democratic party of the North can stand quietly and see their men cut down in this way by their votes? The great body of the Democratic party in the free States supported General Cass most cordially, notwithstanding they totally disagreed with him as to the power of Congress to interdict slavery in the territories. But, sir, I regret to have it to say, that it would seem, that the inordinate ambition of the South to appropriate to herself the honors of the presidential office at the hazard of unsettling this great question, overrode all other considerations, and finally prevailed.

In conclusion, I desire to say, I am not without hope that those disturbing causes may be settled ultimately in a manner worthy of the age in which we live—worthy of the American people—worthy of the spirit in which our institutions of Government were formed—and, above all, worthy the descendants of a glorious ancestry.

SPEECH OF HON. J. R. GIDDINGS, OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

MONDAY, MARCH 18, 1850,

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. GIDDINGS said he regarded it as very desirable that gentlemen should understand each other, and that the issue between us should be defined, in order that the country might understand distinctly the questions on which we differ.

Complaints are made and reiterated by Southern gentlemen, that we are encroaching on the rights of the slave interest; but there is an apparent reluctance to come down to particulars, and to define those rights which they allege have been invaded. The gentleman from Georgia [Mr. TOOMBS] told us, in bold language, that "*this is a pro-slavery Government.*" But how far, or in what respects it is such, he has not pointed out. Was it founded solely, or in part, for the support of slavery?—for the purposes of oppression? He tells us that we "*are bound to maintain the dominion of the slaveholders over their slaves with our blood;*" that we "*are bound to carry slavery wherever our flag floats and we have exclusive jurisdiction.*"

Now, if this be the doctrine of the Constitution, gentlemen of the North ought to understand it. Duty admits of no medium course, by which we shall keep our covenant *in part*, and violate it in other parts.

We of the North, also, complain of encroachments upon our rights. These should be pointed out with precision and maintained with firmness, or they should be abandoned and surrendered. There is no intermediate course consistent with duty. I, for one, discard all compromises, and reject all offers to compromise. I came here to enforce, to carry out the provisions of the Constitution, not to compromise, nor to surrender the rights secured to us by that instrument.

I regard the constitutional obligations of this Government towards the institution of slavery as too obvious to be misunderstood by statesmen. The line of demarcation which separates the people of the free States from the support of slavery has been so plainly drawn, that it would seem no intelligent, unprejudiced mind could mistake it. It is, however, true, that much obscurity is thrown upon the subject by the ingenuity and the sophistry of those who profess to reason upon it.

Much has been said about slavery being the "creature of municipal law." Men in both political parties now urge, that "slavery cannot exist, unless sustained by *municipal law*." They say that this is the doctrine of jurists; that the most profound judges have so decided. Others deny this doctrine. Now, what is the fact? History shows us that it was introduced into Virginia, and existed there for years, without any municipal regulation or authority. We know from history that it existed in each of the slave States of this Union long prior to the enactment of any laws on the subject. It found its way into Oregon, into California, Deseret, and, if we are to credit reports, it has been in New Mexico, without any law. It has been sustained in all those States and Territories, not by municipal law, but by the superior physical and intellectual power of the white over the colored people. This was slavery in *fact*, but not in *law*. For instance: slavery continued in Ohio, even against the provisions of our Constitution, and in violation of all our laws, as late as the year 1840. It exists in Illinois to this day. Slaves are there bought and sold, not merely *without* law, but *against* law. But when those slaves become intelligent, and claim their rights before any court, the judges say that "*slavery is the creature of municipal enactment;* that *there is no such enactment in Illinois, and therefore there is no slavery in that State.*" The judge means by this, there is no *legal* slavery there; while all are aware that negroes are there held in abject servitude, are oppressed and degraded, sold, and transferred from one professed owner to another, for the reason that the existing laws of that State are not enforced.

In a state of nature, the rights of all men are equal; but the superior intellectual and physical power of one man is often exerted to subject others to his will. In that State, however, each possesses the right of self-defence. Not so in slave States. There, the right of the slave to protect his liberty, or his life, is taken away by the laws of such State. For instance: if a slave in Virginia lifts his hand against his master in self-defence, the master may at once slay him with impunity. But this right of the master depends on the law of that State; and the moment the master goes beyond the jurisdiction of that State, this right ceases. Let him bring his slave to Ohio, and the moment they stand on our soil, under the jurisdiction of our laws, the slave becomes a *man*, possessing the equal rights, and powers, and privileges, with the master. Such is the case whenever they go beyond the jurisdiction of Virginia into free territory.

These principles have often been advanced They were familiar to our fathers. They had been declared by the courts of Great Britain, prior to our Revolution. Slavery at that time

was discountenanced in all the colonies, excepting perhaps South Carolina and Georgia.

My colleague [Mr. CAMPBELL] has shown in an able manner, that the objects of the people of the South, before and at the commencement of the Revolution, was the entire abolition of slavery and of all slave laws. These objects were proclaimed in language most direct and appropriate, in 1776, when entering upon the war of the Revolution. After the close of that memorable struggle, the Confederated Congress, in 1783, sent out an address to the People of the United States, penned by Mr. Madison, in which they say, "Let it be remembered, finally, that it has been the pride and the boast of America that the rights for which she contended *were the rights of human nature.*" These sentiments then prevailed in all the States.

Each State at that time held jurisdiction over its western territory, and, so far as its ships were concerned, over the high seas. Thus the laws of Virginia extended over her northwestern territory, and over all ships belonging to the people of that State while sailing upon the high seas; and slavery, of course, existed both in that territory and on board every ship thus subjected to the laws of that State.

In 1786, she ceded her territory to the United States. The jurisdiction was transferred, her laws ceased to be in force there, and slavery ceased with them. By the Ordinance of 1787, Congress consecrated that vast region to freedom, by ordaining that slavery should never more exist there. This was expected by the people. They desired it. Up to this period, each State held jurisdiction upon the high seas, and slavery continued to exist there. But the convention then in session for the purpose of framing the Constitution, desired to make the high seas, also, *free*. South Carolina and Georgia insisted on retaining the slave trade; Northern members would not go into a union with a people devoted to that commerce, with powers to continue it indefinitely; and a compromise of the subject was the result.

By the 8th section of the first article of the Constitution, the States surrendered to Congress all jurisdiction over commerce and navigation of the high seas; and by the ninth section of the same article, it was provided that Congress should not prohibit the slave trade until the year 1808.

This stipulation, connected with the history of its adoption, shows, in the most conclusive manner, the hostility then existing against that commerce in our own species. All expected that it would be abolished at the earliest moment at which Congress should possess the power to carry into effect the wishes and intentions of the people. Acting in accordance with this expectation, Congress prohibited the importation of slaves, under heavy penalties, by statute enacted in 1807, but which did not take effect until the first of January, 1808.

This compromise of the Constitution has been fully carried out. The South enjoyed the benefits of the slave trade for the time stipulated, and the whole matter has passed by forever. Yet, this compromise is cited by the gentleman from Georgia, to sustain the doctrine that this is a "pro-slavery Government," and the power given by the Constitution for Congress to prohibit slavery under our flag, after 1808, he construes into an obligation to protect it, in all coming time, wherever our flag may float. Such is the monstrosity of the slaveholding construction of the Constitution.

The gentleman from Georgia also cites that clause of the Constitution which relates to fugitive slaves, for the purpose of proving that we are bound to maintain the master's right to his slave with our blood. Under the old Confederation, when a slave escaped into another State he became free. At the formation of the Constitution, an amendment was presented, making it the duty of the free States to arrest and imprison fugitive slaves in the same manner they do fugitives from justice. But the amendment was rejected. The matter was compromised by a stipulation that the free States should "*pass no law nor regulation by which the slave should be discharged from the service of his master.*" The construction which this clause has received from the Supreme Court, makes it the duty of the free States, not to *act*, but to *abstain* from action.

Now, sir, I am not aware that any State has passed laws to discharge fugitives from service. On the contrary, I believe every State has abstained from such legislation. That constitutes the whole duty of the free States. They owe no further duties on this subject under the Constitution. We live up to our compact. We admit it to the full extent. There we stop. This stipulation can imply nothing further than is expressed. It has relation to fugitive slaves only. No inference beyond that can be drawn from it. How gentlemen can infer from this clause that we are bound to maintain the power of the master over his slave with our blood, is another of those monstrous assumptions which slaveholders are accustomed to make, but for which they can assign no reason whatever.

There is no action obligatory upon the free States. They fulfil their whole duty by abstaining from action. Ohio does this, and I believe all the free States do it. The last clause of the paragraph, which, referring to the fugitive slave, says, he "shall be delivered up, on claim of the person to whom such service or labor may be due," has no reference to State legislation, or State action. That proposition was rejected by the Convention. The Supreme Court of the United States have placed a construction upon it. They hold that it refers to the individuals of the State, imposing upon them the duty of permitting the master to take the slave, in the same manner that we surrender up our friends to the officers of justice. They have decided that it is the duty of individuals not to secrete, or to defend, the slave against his master. They admit that the individual may act in aid of the master, but deny to the State all power of acting on the subject.

It is worthy of remark, that this is the only instance in which Congress is authorized to legislate in favor of slavery. On this point it is conceded that we may pass laws. But by this clause of the Constitution we are only authorized to legislate for the *arrest and return of fugitive slaves*. It is left for us to act agreeably to the dictates of our own judgment. We have the power to pass further laws for this purpose, or we may repeal the law of Congress now in force on that subject. But it gives us no power to go fur-

ther in support of slavery, and to pass laws for the protection of that institution within the States. Such interpretation would be a perversion of language, and of the intention of those who framed the Constitution. It was intended to give the master a right to reclaim his fugitive slave, and to Congress power to aid him in reclaiming such fugitive. Here the right and the power end; they extend no further. Nor has the gentleman from Georgia [Mr. TOOMBS] informed us in what manner or by what rules of construction he infers any power in Congress, under this clause of the Constitution, to protect slavery wherever our flag may float; or that it is our duty to *protect it with our blood.*

The next compromise of the Constitution to which the gentleman from Georgia [Mr. TOOMBS] refers, is that of the slave representation as provided in the 3d clause, 2d section, of the 1st article of the Constitution. In regard to this article, it would appear that no difference of opinion could possibly exist. There can be no doubt that it was intended to give the slave States an advantage over the free States. The slaves are not represented in this Hall, nor can we legislate for their benefit; but the slaveholders have a representation here, in proportion to the number of slaves they hold in bondage, counting five slaves equal to three freemen. For more than sixty years the slave States have enjoyed this privilege. No man has ever denied it to be their right under the Constitution. But it is equally plain that this clause was intended to give no further privilege. It alludes to no other subject, and cannot be construed to give any other powers. The gentleman [Mr. TOOMBS] referred to it to show that this is a slaveholding Government; that we are bound to maintain the master's power over his slave with our blood; and to carry slavery wherever our flag floats. But the way and manner he brings this clause to sustain his positions, he has failed to show us. I repeat, that the whole object and intention of this clause has been thus far observed and carried out. South Carolina has now three representatives on this floor more than she would be entitled to, according to the number of her freemen; and twenty members from the slave States are admitted here solely by virtue of this superior advantage which the slave States possess over the People of the North.

It gives to the South an influence over our rights and interests, not according to their love of freedom, but proportioned to their disregard of liberty. The holder of five slaves exerts an influence in this Hall and in the Federal Government equal to four citizens of the free States; and the owner of a thousand slaves possesses political powers equal to six hundred citizens of the North.

I know of nothing more humiliating to the pride and dignity of our people than this inequality of our political influence. We are placed in a political position between the supercilious master and his crouching menial; superior to the one and inferior to the other. It was a compromise of Northern honor. It gave a bounty to oppression; bestowed privileges upon those who disregard "self-evident truth," and trample upon the inalienable rights of man; it has taught Northern men to regard slaveholders as politically entitled to superior consideration; it has taught us subjection to slaveholding dictation. It was the force of this feeling which constrained Northern members on this floor to surrender up their own independence, and for years to unite with the South in excluding from consideration all petitions in relation to freedom; passed your gag rules; struck down the freedom of debate; sealed the lips of those who advocated the doctrines of political equality; and for many years held the National Government subservient to the slave power. It was this principle which for half a century caused Northern men to tremble at Southern threats to dissolve the Union; which now calls together the timid and the irresolute in our commercial cities, to pass resolutions against the maintenance of our own rights. The same feeling of servility is also manifested by a portion of the Northern press, which is always ready to advocate every slaveholding policy. Yet, sir, we abide by the compact. The slave States, from the adoption of the Constitution to this day, have enjoyed this privilege of a superior representation in this hall and in the elections of President and Vice President. No Northern man has objected to carrying out this provision, which, of all others, is the most destructive to our interests and wounding to our pride.

But, sir, this concession was never intended to extend beyond what it plainly imports. It gives to the slave States no other privilege than that of representation agreeably to the number of their slaves. It imposes no obligation, whatever, upon the people of the free States to maintain the "master's power over his slave with our blood," nor does it impose upon Congress the duty "*to protect slavery wherever our flag floats.*" Nor can any inference, whatever, be drawn from this clause of the Constitution beyond its plain and obvious apportionment of representation and direct taxation.

In order to establish the duty of this Government to sustain slavery we are referred to the obligation imposed upon us to "protect each of the States from invasion, and against domestic violence."

This provision extends to the free as well as to the slave States. History informs us that the rebellion in Massachusetts was the occasion of its adoption. Mr. Madison informs us that members from the slave States assured the Convention that they neither needed nor required any provision of the kind. But no man can mistake the object and design of this section. We are bound to protect every State from invasion. This protection is thrown around the *State*, including all the people therein; the righteous and the wicked, the bond and the free, the black and the white, the hardened assassin, and the innocent child, are all protected: And you may allege that this clause was adopted to protect pirates and murderers, with the same propriety that you can assert it to have been adopted to protect slaveholders or any other men of a particular character.

The same reasoning applies to the suppression of domestic violence. We are bound to protect the whole people of the State against domestic violence. We do not institute an inquiry as to the character of the people! We do not ask whether they are slaves or masters, white or black, righteous or wicked. The insurgents are shot down by our troops without inquiring who

they are! The master found in arms is shot down precisely as the slave, and the insurgent slave is butchered with just as little ceremony as the insurgent master. Indeed we know of no distinctions in such case. Our troops have nothing to do with *slavery;* their duty is to quell the violence. That done, every slave in the State may walk off to Canada, in full view of our army, and they possess neither the right nor the constitutional power to interfere, or in any manner to prevent their escape. But in case of invasion, or of insurrection, the power of the Government in repelling the one or suppressing the other is unlimited by the Constitution. The whole physical power of the nation may then be brought into action for that purpose, and if deemed necessary by the Executive, who is the commander of the army and navy, he may liberate every slave in such State for the purpose of saving the people or of restoring peace. This is a power, however, lying behind the Constitution, based upon the right of self defence, upon the duty of preserving the Government, and existing only in time of foreign or of civil war.

And now, Mr. Chairman, I have examined what we so often hear called the "Compromises of the Constitution." They consist entirely in the privilege conceded to the slave States, to continue the slave trade until 1808; to pursue and recapture their fugitive slaves; and to be allowed a representation in Congress proportioned to the number of their slaves. They have no further claims whatever in favor of slavery. Beyond these, we are bound to act for freedom; for the political equality of all men; for the maintenance of "the rights of all to life and liberty." Aside from these, the people of the free States possess the clear and indisputable right to be separated, and entirely exempted, from all participation in the support of slavery, to be purified from its moral guilt and entirely absolved from its disgrace. If we do not thus separate ourselves from its moral and political contagion, it will be owing to the vitiated sentiment and the servile feelings of Northern members. If we remain contaminated with the crimes attendant upon the slave trade in this District and upon our Southern coast, the responsibility must rest upon those Northern members of Congress who are willing to continue their participation in this sale of men and of women, this treason against God and humanity.

But the gentleman from Georgia [Mr. Toombs] says that we "have heretofore sustained the right of the master to hold his slave upon the 'high seas,' and 'even in foreign ports.'" If this were correct, it would impose upon us no duty to violate the Constitution and defeat the entire objects for which our Government was instituted. But I will examine this point. Until the year 1808, the people of South Carolina and Georgia were *permitted* to import slaves. But they went to Africa at their *own peril*. We furnished them no protection. If, in attempting to seize and enslave the unoffending people of that country, they were slain, all regarded their fate as most just and righteous. When their victims were placed on shipboard, these dealers in human flesh looked not to this Government for protection. They depended upon physical force, upon chains and fetters, the scourge and thumbscrew, the pistol and dagger, for their safety, until they reached the jurisdiction of the slave State to which they hurried their cargo. There the laws of such State threw its protection around them; and if the slaves subsequently resisted their masters, the powers of the State were brought to the master's aid in holding his victim in subjection. But this permission of the slave trade expired in 1808, and the traffic was thenceforth entirely interdicted. At the same time, Congress restricted the coastwise slave trade, by imposing heavy penalties for transporting slaves from one of our own sea-ports to another, in vessels of less than forty tons burden, or without filing affidavits that the slaves were not imported after the year 1808; and the slave-dealers now pursue their vocation on our Southern coast at their own peril, precisely as they pursued the foreign slave trade prior to 1808. The United States have passed no law of slavery authorizing one man to hold another as property upon the "high seas." While there, under the exclusive jurisdiction of our laws, the master has no more right to chastise his slave than the slave has to correct his master. The slave has the same right while there to defend his life and liberty which the master possesses. If either, in the act of legally defending himself, slay his assailant, there is no law of the United States, or of any State, or of nature, or of nature's God, that holds him responsible.

These are the doctrines most obviously applicable to this subject. They are clearly deducible from the Constitution, and should, in my opinion, at all times have been firmly maintained.

Yet it is true that the President and Senate have attempted to exert the national influence to establish the power of the master over his slave on the ocean, under the exclusive jurisdiction of our laws; it is also true that, by fraud and deception, compensation was obtained from the British Government for two cargoes of slaves who were made free by being shipwrecked and landing on British soil; but it is equally true that the imposition was discovered, the right of such protection denied, and all such compensation has been for the last twelve years withheld by England, and such claims have long since been abandoned by the Executive.

When in 1840 the British ministers refused to listen to the claims of this Government for indemnity to the slaveholders, whose victims on board the ship Enterprise had been manumitted by shipwreck, on the British island of New Providence, a distinguished Senator from South Carolina, [Mr. Calhoun,] impatient at delay, offered resolutions in the other end of the Capitol, declaring, in substance, not merely that slavery existed upon the high seas on board American vessels, but that such vessels carried with them the relation of master and slave, when driven by stress of weather into the port of a foreign nation. In truth, the resolutions, so far as that body could do, pledged the Nation to sustain the claims of these dealers in human flesh. No member objected to this doctrine, so repugnant to every principle of justice, and so directly opposed to the Constitution and to international law. The voice of Massachusetts, of New England, of New York, and Ohio, was then silent. Not even a vote from the whole North was recorded against these propositions. The spirit of Northern Liberty then slept, so far as that body was concerned;

that voice, which is now so ready to abandon the Wilmot Proviso—so willing for the admission of more slave States—so anxious to give further aid to the slaveholder, as he pursues his trembling victim within our free States, was then silent. That Senator opened not his lips, neither did he vote on that occasion. From an examination of the journal, I discover the name of but one Whig from the free States who voted on those resolutions. He voted for their adoption. The others *appear to have been absent.*

Every Southern Senator of both parties, and all Northern Democrats who voted, gave their support in favor of the resolutions. This was in the year 1840; and soon after that period, one of the Senators [Mr. WEBSTER] who *did not vote* was called to preside over the State Department, under President Tyler.

While he was thus guiding the most important branch of the Executive duties, the case of the Creole occurred. That ship sailed from Richmond, with a cargo of slaves, in October, 1841; while on the high seas the slaves rose, asserted their right to freedom, and slew one of the slave-dealers who attempted to reduce them to subjection, and, guiding the ship to the Island of New Providence, went on shore, and became entirely free. The piratical dealers, who professed to own the people thus restored to freedom, called on the President to aid them in obtaining indemnity for their loss; and Mr. Webster was requested to carry out the doctrine for which he and other Northern Senators had refused to vote. A statesman bred up and educated in New England, one who had long breathed the free air of the North, who had been taught the language of freedom, condescended to become the agent and solicitor of those who deal in human flesh, and to exert his official influence to maintain a commerce in the bodies of men and of women.

The attention of the nation, however, was called to these facts by resolutions presented in this body. The proceeding of the Executive was condemned by all. Not even slaveholders were willing to sustain the doctrine. The further prosecution of their infamous claim was given up. The State Department receded from its position; the celebrated resolutions which were intended to establish new principles in the law of nations, remain a dead letter upon the journal of the Senate. The owners of the slaves of the Creole have pocketed their loss; and the slaves themselves are now most of them British subjects, and a few are freemen, residents of our free States. Yet, sir, these attempts of Mr. Calhoun, aided by Southern slaveholders, and of Mr. Webster, and President Tyler, to commit the nation to the doctrines contended for by the gentleman from Georgia, [Mr. TOOMBS,] are now quoted in both ends of the Capitol, to show that we are "bound to carry slavery wherever our flag floats." This signal *failure* to sustain the doctrine, is constantly cited by slaveholders to demonstrate its correctness.

The reasoning is of that absurd character which requires only to be stated to be appreciated. The views which I have thus advanced are not new. They have been often asserted here and elsewhere; but it seems that no arguments, no facts, no exposure of the sophistry and the absurdity of slaveholding doctrines, will prevent their repetition; and when reasserted, we are constrained to reply to them.

The gentleman from Georgia also insists that slaves are property; that they have been recognised as such; and that the Government is bound to protect the master's right to the slave in the same manner that we are bound to protect him in the enjoyment of other property. Such was once the opinion of English jurists, but it was in a darker age. The latest decision to that effect in the English courts bears date more than a hundred years since. In 1772, Lord Mansfield denied the doctrine, and combated it with such arguments as to set the matter forever at rest in the courts of Great Britain. From the commencement of the Revolution to this day we have refused to admit that slaves are property. This Government has always refused to pay for slaves killed or lost in the public service. In 1816, Congress passed a law making compensation for property lost or destroyed in the service of Government. Pending the bill, a motion was made so to amend it as to allow compensation for slaves killed or lost while in the public service, in the same manner as the Government paid for other property; but the amendment was rejected by a large majority, there being only thirty-two members in favor of it. In 1828, the case of "D'Auterive" came before Congress. The slave, horse, and cart of the claimant were pressed into the public service against his consent, on the day of battle at New Orleans. His slave and horse were killed, and cart destroyed; and the owner called on Congress to make compensation. A bill was reported paying for the horse and cart, but refusing to pay for the slave. The claim was of the strongest possible character. It was discussed some weeks, when it was laid on the table, and has never been heard from since. In 1832, the case of Larche, of the same character, was rejected. In 1842, another attempt was made to induce Congress to pay for slaves lost in East Florida by the action of our troops in 1814, but the claim was rejected—only thirty-six members voting for it. During the last Congress, efforts were made to pass bills to pay for slaves, but none of them succeeded. In the 28th Congress, a bill to pay for a slave lost in the Florida war came to this body from the Senate. It was committed to the Committee of the Whole House. I was perfectly aware of its character, and called the attention of my venerable and lamented friend from Massachusetts, [Mr. ADAMS,] to it. I know it was his intention to oppose its passage, but on one of those days when bills are hurried through this body under the rules without objection, it passed. I was myself unable to be present, and it escaped the notice of Mr. Adams, and became a law. No man will for a moment pretend that an accident of that character constitutes a precedent or establishes any principle. With this exception, Congress, from the first session under the old Confederation to this day, has rejected the principle that "*man can hold property in man.*" Mr. Madison declared in Convention that "*it would be wrong to admit in the Constitution* THAT THERE COULD BE PROPERTY IN MAN." To this opinion of Mr. Madison, every member assented. No one controverted it. To that doctrine Congress, as well as the Supreme Court of the United States, has at all times adhered. Yet we are

constantly told that slaves *are property*, and gentlemen appear determined to overthrow, not merely the practice of the Government, the decisions of the courts, and the Constitution itself, in order to sustain slavery, but they seem disposed to repeal the law of nature, and reverse the decrees of God himself, in order to degrade his image to the level of the brutes that perish.

I have now answered all the positions of the gentleman from Georgia which I regard as material. I have paid particular attention to his speech, as I am not aware that any other Southern member has dwelt upon the constitutional obligations of this Government towards slavery. I will now turn my attention to the question of extending slavery into our newly-acquired Territories.

It is constantly asserted that, by adopting the Wilmot Proviso, we shall *exclude the people of the South from emigrating to those Territories with their property.*" They charge us with attempting to create "distinctions between the people of the free and those of the slave States." These arguments are unfounded. The exclusion of slavery is for the express purpose of permitting all men, of every State, and nation, and kindred, and tongue, and people, under heaven, to go there "*upon terms of perfect equality.*" We propose to give to *all*, the same protection, the same security to life, liberty, and property, to admit of no distinctions except those of moral worth. It is this "*equality of political rights*" to which Southern men *object*, and not to the want of it. Their excitement arises from the fact, that we recognise *no* distinction, that we will permit no man to hold the body of another at his disposal, to deprive him of liberty, to beat and scourge, to degrade and brutalize, him. Such are our objects, and such are the objections to them. If, sir, we permit slavery to establish itself in these Territories, we shall show ourselves unequal to the discharge of our duties as statesmen, and insensible to our obligations as Christians—we shall deserve and must receive the censure, the condemnation, of the civilized world. It is not my purpose on this point to travel over ground already occupied. The moral turpitude of permitting slavery and slave markets to be established on territory hitherto consecrated to freedom, has been ably examined by other gentlemen. There is, however, an abstraction, first advanced within the last two years, but now advocated by individuals of both political parties, denying our right to prohibit slavery in those vast regions. I believe the devotees of this new theory admit that, owning the lands and holding the sovereignty of those Territories in our own hands, we may prohibit the robbing a man of his money, his watch, or his horse; but if the robber goes farther, and commits the greatest of all possible crimes, by robbing his fellow-man of his wife and children, of his liberty, his intellectual enjoyments, his future hopes—of himself—such robbery must be permitted, and we have no right to prohibit it.

I stated that this theory was *novel*. It has certainly been discovered since 1776. Then our fathers declared "that Governments were instituted for the very purpose of securing "*the people in the enjoyment of life and liberty.*" Now it is said that, in establishing Government there, we must leave the question of liberty out of view, to be determined by the *people* of that country. Who do gentlemen mean by the *people*? Do they include all persons who now live in New Mexico, or who shall hereafter go there? Do they intend that each human being shall have a voice and a vote on this question of his own liberty? Will they by legislative enactment secure the right of such vote to every man? No, sir; such is not the intention of gentlemen who use this language. They intend that one portion of the people shall determine whether they will rob another portion of their liberty and hold them as *property*. Such is the effect of this policy; yet gentlemen are unwilling to come out before the country and avow this intention in undisguised language.

Again, it is urged that slavery cannot exist there. In the opening of my remarks, I showed that it has existed in Oregon and California, that it now exists in Deseret, and, if we can credit accounts apparently correct, it has existed in New Mexico. In my opinion, the mines of New Mexico will furnish as profitable employment for slaves as can be found upon the face of the earth. That, if permitted, those mines will be filled with a dense slave population. And such we know to be the opinion of slaveholders generally, and they are competent judges. I regard these arguments merely as apologies for leaving the question precisely as slaveholders desire it to be left. Time will not permit me to examine these points further.

While commenting upon the compromises of the Constitution, I spoke of the slave representation in Congress—the political position in which it placed the freemen of the North; that this position was intermediate between the supercilious master and his abject slave. I then called attention to the effect which this degrading position has had upon members of this body, upon the Northern press, and upon the timid and irresolute men of the North, generally. The question now propounded to us is, *shall this political inequality between ourselves and slaveholders be extended and increased?* Shall we consent or permit the holder of a thousand slaves in the mines of New Mexico to wield the same influence in this Government, and exert the same control over our commercial and national rights and interests, that is held and exerted by six hundred of our intelligent farmers of the North? Now, sir, the motto of our Northern people is, "no slave Territory; no more slave States." We intend to permit no increase of slave power. We will oppose it *now, hereafter, and at all times;* under all circumstances; in all legal and constitutional ways; by every honorable means. The Northern man who hesitates to oppose this outrage upon the interests, the honor, and the constitutional rights of the North, we regard as a traitor to freedom and to humanity.

But, sir, the most insidious treason against freedom and the North is that which urges upon us the propriety of leaving this question of slavery entirely to the electors of the Territories. If they establish it, and form State Constitutions of a slaveholding character, then they urge that each shall be admitted into the Union as a slave State; and every holder of five slaves be entitled to an influence over our national rights and interests, equal to four laboring men of the North. He who embraces this insidious mode of degrading

the Northern character, adds to his moral and political treason, the baseness of duplicity and of cowardice, and is far less entitled to our respect than he who comes out openly, and frankly declares that Northern laborers are less entitled to respect, and less qualified to discharge political duties, than are the slaveholders of the South.

Mr. Chairman, when we say it is our intention to admit "*no more slave States*," to hold no "*slave territory*," we mean what we say. On this point we discard the doctrine lately advanced in another part of the Capitol. We totally deny that we are under any moral, political, or constitutional obligation to admit another slave State from Texas. We deny that any contract exists between us and that State. There was a contract proposed, and submitted to the only power in this Government capable of contracting—that is, the treaty-making power. That power rejected it. Texas came into the Union with full notice and full knowledge of these facts. She will not be deceived nor disappointed on this subject, if we refuse to admit a new slave State from her territory. She came in by joint resolution, and not by contract. I then denied, and still deny, that even the treaty-making power could impose on us a union with a foreign slave State upon such unequal terms. But most emphatically do I deny the doctrine that members of this House in 1845 had power to control my vote for the admission of a new State in 1850. They could admit a State, but they could place me under no obligation to act contrary to my own judgment. I am sworn to support the Constitution, and solemnly believe that this increasing and extending of the Slave Power is subversive of the Constitution.

Sir, to admit more slave States, thereby increasing the Slave Power, and surrendering the interests of humanity to the disposal of those who deny the "self-evident truth" of men's equality of natural rights, is not only a palpable violation of the whole spirit of the Constitution, but it is at war with the vital objects, the whole design, of those who established our Government amidst toil and dangers.

The annexation of Texas was conceived and urged, and consummated, with the avowed intention of increasing the Slave Power. I do not charge Northern men with acting on this principle; but we know that the officers of the Government, the Executive, urged it expressly on these grounds. I then denounced it, as unconstitutional in its objects, its designs, and in the manner of its consummation. So too did a distinguished Senator in the other end of the Capitol, who now avows himself ready to vote for admitting these new slave States from Texas, for the very purpose of increasing the Slave Power in this Government.

Sir, what has wrought such a change in the mind of that distinguished Senator? Time will doubtless answer this question. But, sir, holding now, as I then did, that Congress may at any time *repeal* the joint resolution by which Texas was admitted—that those who voted for that resolution could by its adoption impose no duty on me to vote for admitting other new slave States, I shall at all times oppose such admission. These sovereign States, while united under the same Constitution, must be *equal*. Texas brought with her no claim whatever to be divided into four slave States. She can no more claim a division than Ohio, New York, or Pennsylvania. The sole object for such a division is an increase of the Slave Power. To give it greater influence over the rights and the interests of the free States—to enable it more effectually to withstand the progress of truth and justice—to prolong its blood-stained and barbarous system of brutalizing our fellow men.

But, sir, the day has arrived when the tendency, the effects and consequences of our official acts are known and understood by the People. He who now advocates an increase of the Slave Power, may as well openly and frankly avow his opposition to freedom, his hatred of the "inalienable rights" of man; and declare his intentions to sustain oppression and slavery. Our actions cannot be misunderstood in these times. He whose soul is imbued with the love of justice, of liberty, and of his race, will manifest it by his words, by his acts, by his votes. Sir, those acts and votes are "*known and read of all men.*"

It is also proposed to pass further and more stringent laws for the arrest and return of fugitive slaves; to make every postmaster, and deputy marshal, and other petty officer of this Government, resident in the free States, the catchpole of slave-hunters. We are to impose upon them the obligation to leave their shops or their fields, and give chase to the flying bondman as he hastens from the scene of his oppression; to seize the trembling victim of Southern cupidity; to assist in riveting the cold iron upon his chafed limbs, and then to force him back to a land of chains and sighs, and tears and suffering. Yes, sir, it is now gravely proposed that this Congress of Christian men, at this middle of the nineteenth century, boasting that we are surrounded by the most intelligent, free, and virtuous people upon the earth, shall turn our attention and exert our official influence—our legislative power—in favor of the vilest system of oppression known among civilized men; that we shall aid the arrant usurper of the South to hold his grasp upon his fellowman to compel him to toil and to suffer under the scourge, for the benefit of his oppressor; that we will help rob him of his liberty, his enjoyments, his all, that others may revel in wealth. Sir, I would as soon turn slave-hunter as I would vote for such a law. Yet I do not regret that such a measure is to come before us. I am willing to see members compelled to show their hands. I desire that the country shall understand who is willing thus to degrade the character of American statesmen by prostituting our official powers to such purposes.

But there are circumstances which render such action at this time still more objectionable and humiliating. Since the early history of the State in which I live, men have occasionally come from the slave States and kidnapped our colored people; and when such offenders have been demanded, as fugitives from justice under the Constitution, their surrender by the slave States has, I believe, at all times been refused. Yet, the Representatives of Ohio are now called on to turn round and lend their influence to catch and return Southern slaves! When our free colored people visit the slave States, they are seized, imprisoned, sold, and enslaved; and Southern gentlemen now ask us to pass a law that shall

make it the duty of our postmasters, and deputy marshals, to seize and return to bondage those very citizens of Ohio, should they perchance escape from their oppressors in the South, and return to their wives and children in their native State. Will the Representatives of Ohio vote for such a law?

The citizens of Massachusetts have been seized in Southern ports, enslaved, sold, degraded, and brutalized. They now moan and weep in chains. Representatives of the sovereignty of Massachusetts, when sent to those States, to test their proceedings judicially, have been driven by mob violence from their jurisdiction; and their Legislatures have passed laws, prohibiting, under severe penalties, all persons from prosecuting the rights of such enslaved citizens to freedom.

Sir, while the South thus violates and tramples upon the Constitution, while they treat the free States generally, and Massachusetts in particular, with most sovereign contempt, a distinguished statesman of New England, a representative of Massachusetts, comes forward, and, before the nation, chiding the people of the North for their remissness in arresting and returning fugitive slaves, proposes that we shall exert our legislative powers in favor of Southern piratical slave-hunters.

Sir, the proposition is humiliating. I detest, I execrate such a policy. I have no language capable of describing my own feelings in regard to it. I would as soon legislate to make the people of the free States the slaves of the South, in direct and positive language, as I would vote for such a measure. To me, the slave-hunter is the most detestable human being that lives or moves upon the earth.

We cannot under the Constitution protect or secrete the slave from his master. But the Legislatures of free States may prohibit their own citizens from aiding or assisting the master to track out the panting fugitive, in order again to subject him to the lash and the thumbscrew. Such a law has been introduced into the Legislature of Ohio; and I am free to say, that if there be a crime for which I would hang a citizen of our State, it is that of aiding the slaveholder to seize his trembling victim upon soil consecrated to freedom.

You may pass your proposed law, and it will remain a dead letter upon your statute book. Our people know their rights, they understand their duties to the Government, to their fellow-men, and to their God. The law of kindness, of sympathy for the oppressed, of love to our fellow-men, is written upon our natures by the finger of the Most High. Can you repeal that law of the Almighty? Can you tear from the heart's core our love of justice—our hatred of crime? Sir, no legislation can effect that object.

Sir, we ought not to deceive Southern men. We should say to them, in all frankness and sincerity, that the day for arresting fugitive slaves within our free States has gone by forever. We abide by the Constitution; but that instrument does not give sufficient power to the master to secure his fugitive slave when he once reaches our free States. It has not come up to the expectations of the South in this respect. It fails to fetter the limbs, to stop the flight, of their fugitives. They generally reach Canada, and there find an asylum, and every friend of humanity rejoices at their success.

The Constitution has also failed to protect our colored citizens when they go to Southern States. It has proved defective on this point. We are willing to amend it, but we would strike out the entire provision relating to fugitive slaves. No such clause can find a place in any new Constitution.

In conclusion, I would assure Southern gentlemen, that a portion of our Northern citizens have determined on reforming the abuses which have rendered this nation subservient to the Slave Power.

We wish all to understand distinctly and fully our views and ulterior designs. We intend to limit and confine slavery to its present bounds; to repeal all acts of Congress which sustain that institution; and totally to separate the people of the free States and the Federal Government from all responsibility of sustaining slavery or the slave trade; to restore the Government to the position relative to that institution in which it was placed by the Constitution. We then hope to direct its energies and the influence of the nation in favor of justice, of truth, of liberty, and of humanity.

I am aware of the efforts now making to arrange and to compromise these questions; to quiet this agitation; to roll back the tide of popular feeling now manifested, not only in our free States, but in Europe, and throughout the civilized world. Sir, feeble and impotent are the powers of Congress, when brought in conflict with that rising voice of the people now heard in every quarter of our nation. Can we, by legislation, take from twenty millions of freemen their consciences, their thoughts, their judgement? Can we prohibit their investigations of truth? This struggle has been going on for centuries. Men may denounce it, but it will go forward. Reforms in all ages, and in all nations, have been denounced. Oppression, Guilt, and Crime, always seek silence and darkness; but as intelligence increases, and becomes more and more generally diffused, abuses will be corrected, and the work of reformation will proceed.

For the last twelve years I have watched the progress of this great political revolution. Its advance has been regular, constant, and uninterrupted. I have seen the influence of the Executive, of Congress, of the public press generally, and of politicians, put forth to retard its progress, but they have not even checked its onward course.

The arrogance of the Slave Power has been beaten back; the spirit of Northern servility has been rebuked, and brought into contempt; the freedom of debate has been regained; the advocates of truth and justice have increased, and are already seizing upon the strongholds of oppression. In our State Legislatures, the language of freedom and of truth finds abundant utterance. With the most unshaken confidence, in the assurance of unwavering faith, I expect, at no distant day, to see this Government and the people of the free States redeemed and purified from the guilt and the crime of slavery.

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BOUNDARIES OF TEXAS.

SPEECH

OF

HON. J. R. GIDDINGS, OF OHIO,

IN THE HOUSE OF REPRESENTATIVES, MONDAY, AUGUST 13, 1850.

On the Bill establishing the boundaries between Texas and New Mexico, in connection with the President's Message on that subject.

The House being in Committee of the Whole on the state of the Union, and having under consideration the Civil and Diplomatic Bill—

Mr. GIDDINGS said, he desired to call the attention of the committee to the bill establishing the boundary between Texas and New Mexico, in connection with the President's message on that subject.

To the great joy of the northern people generally, as well as to a portion of those residing in the slave States, the "Compromise bill" has been defeated in the Senate. But while the public are rejoicing over that fortunate termination of eight months' labor of that body, they have suddenly sent us this bill, containing the most exceptionable features of the compromise. In fact, the bill now on your table is more objectionable in its provisions than the compromise itself. Senators who voted for striking these provisions from the "omnibus bill," have turned round and voted for them in the bill before us. And we are now told that they are to be carried through this body by "*Whig votes.*" This rumor, I hope, may prove unfounded; time will soon disclose its truth or its falsehood.

I, sir, am entirely opposed to the bill, or rather to its two principal features, to wit: that which gives to Texas some forty thousand square miles of territory within the ancient boundaries of New Mexico; and that which provides for the payment to Texas of ten millions of dollars from our Treasury. My objections to each of these provisions are insuperable. This brings me to an examination of the proper boundaries of Texas.

All who are acquainted with Mexican history will recollect that Texas and Coahuila, after they had been laid off into separate States or intendencies, were connected for legislative purposes. By reference to the Spanish maps of that day it will be noticed, that the States of Tamaulipas, Coahuila, and Chihuahua, extended far on this side of the Rio Grande—that river passing through and dividing each of those States, as well as that of New Mexico. In 1834 General Almonte, late Minister to this Government, was appointed a commissioner to establish the boundaries between Texas and Coahuila: he attended to the duties of his appointment, made the proper exploration, and reported the line separating these States to commence at the mouth of the "Aranso," which I believe is some thirty miles north of the Nueces, and following up the Aranso to its source; thence in a direct line to the confluence of the San Antonio and Medina; thence up the latter stream to its source; thence in a westerly direction to the southeast corner of New Mexico. This line merely separated these two States, leaving that which divided New Mexico and Texas as it had been long previously established. This report was confirmed by the Central Government of Mexico; and except for the revolution of Texas, there would probably have been no doubt or difficulty concerning her boundaries. The entire boundary between New Mexico and Texas, as laid down on all Mexican maps, was on the hundredth degree of longitude west from Greenwich. On this point I find no difference among the old authorities.

By a statute law of 1836, Texas declared her boundary to be the Rio Grande, from its mouth to its source. Thus Texas attempted to embrace all that portion of these four Mexican States lying east of the Rio Grande, by authority of a mere declaration on paper. No man supposes this claim worthy of a moment's attention. It is, however, true that, so far as Texas actually extended her territory by conquest, she was entitled to maintain her jurisdiction. Thus the people living in the valley of the Nueces actually united with Texas in her revolution; and the settlement there, forming the county of San Patricio, actually constituted a part of Texas when General Taylor with his army arrived at Corpus Christi, situated near the mouth of the Nueces. In this way Texas, agreeably to the law of nations, had extended her legitimate boundaries from the Aranso south so far as to include the settlement on the Nueces. But to this settlement her authority was confined. She exerted no jurisdiction beyond that point.

Mr. HOWARD said that Texas had made surveys within twenty miles of Point Isabel before General Taylor reached Corpus Christi, and a Texan judge had charged the grand-jury that Texan authority extended to the Rio Grande.

Mr. GIDDINGS inquired if any Texan officer had served process, or ever made an arrest beyond the valley of the Nueces?

Mr. HOWARD admitted they had not.

Mr. GIDDINGS resumed. The mere assertion of a right to exercise jurisdiction, whether by the Legislature or by a judge, is of no importance. They constitute no evidence of title, whatever. There must be some *act*—some overt movement, to constitute a claim of title. Indeed, nothing short of continued possession, or open overt possession, taken with the ability to continue it, can give any title whatever. Her mere act of having made a survey within twenty miles of Point Isabel, and then leaving the country, gave Texas no more claim than it would to have gone there to hunt the buffalo or the deer. Whatever claim

Texas now holds to the Lower Rio Grande, is the actual possession which she has held over it since we conquered it. Up to the time General Taylor marched to Point Isabel, the Mexican custom-house there was kept up, and our citizens paid duties to the Mexican Government, precisely as we did at Vera Cruz, or any other Mexican port of entry. Point Isabel is situated some four miles east, or rather north of the mouth of the Rio Grande, and duties were there paid on all goods intended for Matamoros, Mier, Laredo, Monterey, and that whole inland region. But General Taylor conquered it as his army marched to Matamoros, and Texan officers followed him, and enforced Texan laws there. In this way, and in no other, has Texas gained possession of that region, which up to that time constituted a part of the State of Tamaulipas, and was known on the maps and by all geographers as such. Texas received possession from the United States, and as against us has no shadow of title to it. But I would avoid even the appearance of dealing harshly with Texas. I would yield her the utmost point to which her jurisdiction extended at the date of our treaty with Mexico. There I would stop. There I would draw the line between the State of Texas and the territory of the United States. This would give her the whole of that portion of Tamaulipas lying east of the river. But when she attempts to go further up that stream, she becomes a trespasser.

Mr. HOWARD said that Texas at several times had possession of Laredo, which is within the State of Coahuila, although she did not continue that possession until General Taylor's arrival.

Mr. GIDDINGS. If she surrendered her possession, she gave up her title of course, and now has no claim to it. But if her possession of Laredo had continued, and her title there were valid, it would not, in any degree, affect my argument. I would place the line above every point where Texas ever had the color or pretence of possession. I would carry it up to the valley of the "Puerco," if you please; and with the distinguished Senator from Missouri, [Col. BENTON,] I would fix it there, and by a line drawn from thence direct to the southwest corner of the ancient boundary of New Mexico, at the point where the thirty-second parallel of north latitude crosses the hundredth degree of west longitude, and thence north to the Red river. Beyond this line, Texas has not the shadow of claim. It belongs to the United States, and it is our duty to retain it. But, above all, I would maintain the ancient boundaries of New Mexico, without encroachment or diminution.

Whatever arguments and pretences may be set up by Texas to the country on the "Lower Rio Grande," or even in Coahuila, there is none whatever in regard to New Mexico. Texas made but one attempt to conquer that State. She sent an army there in 1837, but every man was killed or captured—not one was left to carry back the sad news to Texas. For a hundred and fifty years the Government of New Mexico has existed. Through the whole extent of her ancient boundaries, she has exerted her power, and executed her laws. Her identity, and her boundaries, have been maintained to *this day*—to *this hour*.

But the bill on your table proposes to divide her territory; to give a portion to Texas; to separate and parcel her out after the manner in which prostrate Poland was divided, and her name blotted from the list of European powers. The people of New Mexico loathe and abhor the Texans. They have long been enemies—the most deadly hatred exists between them. To deliver them up to Texas would be a greater outrage than that of surrendering the people of Poland to their oppressors. By our treaty with Mexico, we are bound to protect the inhabitants of New Mexico. Sir, *I would do it to the full extent of our obligations*, if there be power in our army, our navy, and in our militia, sufficient to effect that object.

The eastern boundary of New Mexico cannot be disputed by Texas. She has never carried her settlements nor her laws within a hundred miles of that line. The bill on your table proposes to commence the east line of New Mexico where the 100th degree of west longitude crosses the Red river, and from thence south to 30° 30′ north latitude; thence west to the 103d degree west longitude; and thence south to where the 103d degree west longitude crosses the 32d degree of north latitude; thence west to the Rio Grande. This would give Texas some forty thousand square miles of territory belonging to New Mexico, and nearly twenty thousand which belonged to Chihuahua and Coahuila, of which she never had the shadow of possession.

Now, sir, why are we called on to consign this lage portion of New Mexico, of Chihuahua, and Coahuila, to slavery? Can any reason be assigned? No other than this: the slave power demands it, and northern servility is ready to obey. Texan laws were never in force there. This territory was conquered by our arms and paid for by our treasure.

Mr. Polk, in his annual message of 1846, declares that "*New Mexico, with its capital, Santa Fé, had been captured by our arms.*" He, sir, regarded New Mexico as an unit, a State with its *capital;* as conquered from the enemy; not as belonging to Texas. The absurd thought of its being a portion of Texas had not entered the Executive mind. But we are now told that it belonged to Texas after she declared it so in 1836. It is certain that Mr. Polk did not regard it such. He did not enforce Texan laws; nor did he pay any regard whatever to Texan authority. No, sir; he established a military code of laws. The system bore no similitude to that of Texas. It was the code of New Mexico. Under it claims were litigated: criminals were tried, convicted, and executed. To this day those laws are in force. They have been maintained and executed throughout New Mexico. This was done by a Democratic Administration. We are now called on under a *Whig* Administration to surrender up a portion of this territory, and to purchase the remainder at ten millions dollars. *Will we do it?* After giving Texas one half, we are called on to pay her for the other a greater sum than *the whole of Texas and New Mexico are both worth.* And this we are told is to be done by aid of "*Whig votes.*" I hope, for the honor of the Whig party, that these intimations are unfounded.

Why, sir, to this hour, no northern Whig ever admitted that Texas possessed a shadow of claim to any portion of this territory. Indeed those northern Whigs who now urge the passage of this bill, do not pretend that Texas has any right or title

to any portion of New Mexico. All northern members of that party, both in and out of Congress, wholly and totally deny such right. The only reason assigned for thus delivering up this free territory to the curse of slavery, is to pacify Texas, and appease the slave power: to quiet their clamor: to induce Texas to abstain from dissolving the Union: to purchase clemency and mercy at her hands. Let those northern members vote for that measure, whose spirit and feelings are so abject, so servile as as to permit them; but surely no independent statesman will do it.

Texas urges, that on her statute book she had claimed all the territory east of the Rio Grande, from its mouth to its source; that when we annexed her to this Union and assumed her war, and proceeded to conquer and purchase New Mexico, we did it as her agent, agreeable to certain legal fictions that are regarded as authority by justices of the peace and by county courts; that by legal technicality, she has obtained an advantage over us; and we are referred to certain legal principles found in Blackstone's Commentaries and Espinasse's Nisi Prius.

Gentlemen forget that we sit here with supreme authority, limited only by the Constitution, and bound down by no technicalities. No one pretends there is either truth or justice in this legal fiction. We came here to make laws—to legislate upon the enduring principles of truth, guided by the dictates of righteousness—to deal out equal justice to all under our jurisdiction. Let us do it faithfully and fearlessly. I would extend to Texas the same justice which we deal out to ourselves, or to New Mexico; but for us to go beyond that, and take this Territory from New Mexico and give it to Texas, would be downright, unqualified *robbery*.

Again, Mr. Chairman, if this territory belong to Texas, let her have it. I would not keep it from her. If it be a portion of New Mexico, it belongs to us, and none but a craven heart would surrender it. Yet, sir, we are told that it is to be done by *Whig votes*. Let the degrading act be consummated; let northern honor be surrendered; but let those who do it place their names upon record; let this act go to the country; let the North know *who* it is that betrays her interests, and the interests of humanity.

You, Mr. Chairman, belong to one section of our Union—I to another. Whatever belongs to you under the Constitution, I am willing you should enjoy; whatever belongs to the people of the North, shall never be surrendered by my vote, or with my consent. I repudiate and detest the policy of surrendering up a portion of our rights, in order to purchase a recognition of other interests. Such policy belongs not to independent freemen.

But, sir, the worst feature of this bill is that which proposes to purchase of Texas this territory which already belongs to us; which was first conquered and then purchased from Mexico. This ten millions of money is to be drawn from the pockets of our people and handed over to Texas; not because she has any shadow of title to this territory; not for any property or jurisdiction she possesses there—no such thing is urged by northern men. Why, then, shall we pay her that vast amount? The only answer is, we must do it "*to save the Union!*" To buy of Texas the privilege of continuing this Government! To induce her to remain with us, and not to sever the tender and interesting relations existing between her and the other States. Why, sir, they were brought into connection with us for the purpose of making northern freemen sustain her slavery; and now we are to be taxed ten millions dollars for the privilege of supporting this vilest system of oppression that ever disgraced civilized man.

Mr. HOWARD said, that Texas did not seek annexation to the United States; nor does she ask compensation for the territory; nor was he certain that she would take it.

Mr. GIDDINGS. It cannot have escaped the recollection of any member, that Texas in 1837, sent her agent here to solicit annexation to our Union!

Mr. HOWARD. But she withdrew it.

Mr. GIDDINGS. And waited until she could induce our "chargé d'affairēs," Mr. Murphy, to recommend her annexation to this Union. And as to accepting the money, I wish she might reject the offer if tendered. But during the whole session has she not, by her agent, like the daughters of the horse-leech, cried Give, give, give? Her Senators voted for this bill to tax the people of the free States to the very modest amount of ten millions of dollars, and to give it over to the holders of Texas scrip. Had not those Senators voted for the bill, it would have been defeated. But, sir, who is Texas, that she should make such demands of this Government? How came she to be a member of this Confederacy? The treaty-making power, the only constitutional tribunal capable of admitting her as a member of this Confederacy, rejected the application. She then "*climbed up some other way.*" She consented to come in by joint resolution, which, as the present Secretary of State then showed, was entirely unconstitutional, *null* and *void*. The resolutions may be repealed to-morrow, or at any moment when a majority of the two Houses shall think best. That would leave Texas as we found her. She now holds no constitutional position here: nor have her Representatives any more right under the Constitution to hold seats in this Hall, than have the subjects of the Grand Sultan, or of the Emperor of Russia. Yet she attempts to lay the nation under contribution for her aggrandizement. If she were to ask for ten or fifteen millions as a consideration for leaving us—for going out of the Union—for ceasing to trouble us, I might, perhaps, vote for it. But I will never consent to give her the first dime to retain her in the Union.

Sir, can we, can our constituents forget the consequences of her annexation?—the long, bloody, piratical war in which it involved us? the hundred and fifty millions dollars debt which she entailed upon us? the thirty thousand valuable lives she cost us? And shall we now crown this series of outrages upon the free States, by paying her ten millions of dollars for thus bringing upon us the curse and crimes of such a war—and of slavery?

Mr. HOWARD. Why does the gentleman seek to send an army to Texas, if we do not belong to the Union?

Mr. GIDDINGS. I never thought of sending an army to Texas. I am a peace man. I abhor offensive wars; and if Texas pleases to go out of the Union, she shall never be called to an account for it by force of arms, if my vote or influence can

prevent it. But I believe in the right and duty of self-defence, and I would bring the whole military force of the nation to the defence of New Mexico, if necessary to preserve her boundaries and to protect her people; and I would welcome every hostile Texan who comes there with arms in his hands, to a "hospitable grave." While I say this, I repeat that I would oppose the march of an army to Texas, or to any other State who may secede from the Union. I would not seek to *compel* them to remain with us by force of arms. I do not believe in a government of bayonets and of gunpowder at this age of the world. The people and each State must govern themselves; or if they see fit to leave the Union, I would say, "Go in peace, *and may the blessing of God rest upon you.*" I would neither shoot them, nor cut their throats for thinking they can do better out of the Union than in it. But when they shall once have left the Union, I will never consent to their return, until they shall become so far civilized and christianized as to purify themselves from the contagion of slavery. These are my views in regard to attempting to hold States in this Union by fear of the sword. Our Union cannot be preserved in that way. It must be sustained by making it the dispenser of constitutional justice to all the States, the instrument for maintaining the rights of all.

Sir, the payment of this ten millions of dollars constituted the most objectionable feature of the "omnibus bill." It is designed to raise Texas scrip from fifteen cents upon the dollar to "par value;" to make every dollar of Texas scrip worth six and a half; to make many splendid fortunes in a short time; to rob the people, the laboring men of the nation, of this vast sum, and place it in the hands of "stock-jobbers" and "gamblers in Texas scrip." And this is said to be *Whig policy:*—the policy of the new Administration! Such is the language of the President's organ of this morning. I hope it is not the case. I am unwilling to believe it. This policy is a strong and direct appeal to those members, if any, who are interested in Texan stocks. If I knew it were true that one or two million dollars was owned by individuals on this floor, I should regard the fate of the bill as settled; but it would not be in order, under parliamentary rules, to suppose such a fact to exist. I therefore would not insinuate it; yet should the bill pass, I shall ever believe that considerations, unseen by the public eye, have coöperated with Executive influence to produce that result.* I do not believe the President's favor sufficient, at this time, to secure the support of a majority of the House for such an object.

Sir, certain Senators in the other end of the Capitol have for months been endeavoring to convince the people of the necessity of passing the "omnibus bill," as it is called. No arguments could be raised in favor of that measure, for it was not founded on reason. One consideration alone was pressed upon the public mind. The cry was raised that "*the Union was in danger!*" The newspapers here responded, "*the Union is in danger!!*" The country press repeated the alarm. The cry was caught up and echoed by every timid, faltering paltroon of the North. Petitions to "*save the Union*" were circulated. Public meetings were held in our commercial cities where Texas scrip was mostly influential, and resolutions were adopted "*to save the Union.*" Fourth of July orations were delivered, and theological pamphlets were published, and morning prayers were put up in this Hall to "*save the Union.*" The supplications were not that we "*may legislate in righteousness,*" deal out justice and mercy to those who are oppressed and degraded by our laws. These were regarded as objects of trifling importance when compared with the pending danger that *Texas would dissolve the Union.* Indeed, they are never mentioned by our chaplain.

Sir, I am nauseated, sickened at this moral and political effeminacy; this downright moral and political cowardice. It is unworthy of American statesmen. Our constituents sent us here to maintain and defend their rights; not to surrender them; not to make ourselves and our people tributary to Texas. In electing us, they had no expectation that we would turn upon them and violently thrust our hands into their pockets and take therefrom ten millions of dollars, and hand it over to the slaveholders of Texas, for territory which belongs to us, and to which Texas never had any title whatever.

Sir, gentlemen here may say what they please—the people have no fears of a dissolution of the Union. They understand this kind of gasconade. The cry of "dissolution" has been the dernier resort of southern men for fifty years, whenever they desired to frighten doughfaces into a compliance with their measures It may alarm gentlemen here; but I do not think you can find in northern Ohio an equal number of nervous old women or of love-sick girls, who could be moved by it.

Again, it is said that we must stop this agitation in relation to slavery! The people see us here passing laws to enslave our fellow men; to sell women in open market; to create a traffic in the bodies of children. They know this to be opposed to the self-evident truth that "all men are created equal," and "that governments are constituted to sustain that equality of rights;" and they converse on the subject, examine the reasons on which such traffic is based, and vote for men who will oppose such barbarous practices. This is called *agitation;* and gentlemen here talk of suppressing it by passing such laws as that on your table. This is the manner in which we are to stop the progress of truth; to seal the lips of philanthropists; and to silence the voice of humanity. Yes, sir; it is gravely proposed that we should set bounds to the human intellect, and to limit political investigations by statute laws.

Sir, the great founder of our holy religion, when he proclaimed the heaven-born truths of his Gospel, was denounced as an "*agitator.*" He was arrested, condemned, and executed, for asserting truths which the Scribes and Pharisees

*Mr. Edward Curtis, of New York, is said to have spent most of his time in Washington city during the winter, both before and after the proposition to pay this vast sum to Texas was reported in the "omnibus bill." He is said to hold a million of dollars in Texas scrip. He is reported to be a shrewd politician, and a warm personal friend of the Secretary of State. Mr. Hiram Ketchum, also of New York, might be seen almost any day, since the bill came from the Senate, sitting within the bar of the House engaged in conversation with members. He is said to be the brother of a distinguished broker in Wall street; somewhat prominent as a politician, and a very earnest supporter of the present Administration. Several other gentlemen have for some time been hanging about the city, supposed to hold relations to Texas stocks somewhat *interesting.*

were too stupid to comprehend. It was done to stop *agitation;* but truth, emanating from "The Holy One," has extended, spread, and progressed, and will "go on conquering and to conquer," in spite of all the political Scribes and Pharisees in Congress, and the quaking and trembling of doughfaces here and elsewhere.

This progress in morals, and in political intelligence, is in strict accordance with the law of our being, and cannot be prevented. The idea of setting bounds to the human intellect, of circumscribing it by statute law, is most preposterous. Why not limit the arts and sciences by conservative legislation as well as moral and political progress? Why not follow the example of those who attempted to stop the agitation of Galileo when he proclaimed the truth of our solar system, and the laws by which the planets are retained in their orbits? He caused great agitation, and was excommunicated for his *infidelity*, in thus daring to proclaim truths which the *conservatives* of that age were too ignorant to comprehend. It required two hundred and fifty years for the stupid clergy of that day to understand the truths for which he had been expelled from their christian fellowship. How long it will require certain theological professors of the present day to comprehend the "self-evident truths" of man's equality is not yet determined. Or how long it will require our political doctors to comprehend the very obvious fact that an educated and reflecting people *will think and act for themselves*, is yet to be ascertained.

But if we are to have conservative legislation, let us tear down the telegraphic wires, break up your galvanic batteries, and imprison Morse, and stop all agitation upon the subject of your "magnetic railroads of thought." Lay up your steamboats, place fetters upon your locomotives, convert your railroads into cultivated fields, and erase the name of Fulton from our history. Go down to yonder Institute; drive Page from his laboratory, break in pieces his galvanic engines, and unchain the imprisoned lightning which is there pent up; then pass an act of Congress prohibiting all further agitation on these subjects, and thus carry out your conservative principles, of which some men are continually boasting. Sir, this, above all others, is an age of progress. Look at the peasantry of Europe. They are struggling against oppression. Ground down by the iron heel of despotism for centuries, they are rising in their might and teaching tyrants to understand the power that dwells with the people. While these political revolutions were convulsing kingdoms, overturning thrones—while crowns were tossed about like the baubles of children—Le Verrier, alone in his study, was agitating a question of science. By a course of observations and mathematical calculations, he demonstrated the existence of another planet; far, far away in unlimited space, infinitely beyond the utmost bounds to which even the thoughts of former astronomers had extended. So, sir, the philosophical statesmen of our own land; reasoning from past observations, and drawing reasonable deductions for the future, see clearly in the distance the star of freedom, shining and glittering in refulgent splendor, far beyond those regions of thought within which the mind of our political savans are accustomed to revolve. Those savans and political doctors will talk of "conservatism," and of "quieting agitation." They are behind the age in which they live; and there they will probably remain.

I know it is said that we must quiet these agitations before Congress will act upon a tariff, and other old party issues. Let me assure gentlemen that revolutions never go backward. It is too late in the day to make intelligent men believe that you have any very pure regard for the laboring men of New England, while you sustain laws here to sell the laboring men and women of this District, like brutes in the market; that you have any real intention to pass laws for the relief of the laboring men of the North while you keep in force laws for carrying on a coastwise commerce in the bodies of southern laborers. Such pretences are shallow, and no intelligent man will regard them as sincere.

But I ask gentlemen if they really feel capable of convincing the people of the North that it is our duty to give Texas a large portion of New Mexico, and then pay her ten millions of dollars for taking it? Let gentlemen go to the dairymen, the farmers and mechanics of northern Ohio—and nine out of every ten are as correct judges as we are of the boundaries of New Mexico, and of the propriety of maintaining them, as well as of admitting California, and New Mexico when she presents her constitution. They will judge for themselves, too, when we take from their pockets ten millions of dollars for Texas. I should like to hear gentlemen who now advocate this bill undertake to make those farmers and mechanics believe that it is their duty to contribute a portion of the substance, accumulated by their toil, to make up this tribute to Texas. I imagine they would find the task a difficult one.

Sir, if you wish to *create* agitation among them, *pass that bill!* Take from their hard earnings this ten millions of money and pay it over to Texas; and I will promise you *agitation*, INCREASED *agitation*. Let northern men vote thus to render their constituents tributary to Texas, and such Representatives will find agitation at home; agitation that, like Banquo's ghost, will not "down at their bidding."

For seven months we have been debating the admission of California. Her Senators and Representatives have been waiting here, respectfully asking admission, to which there is no real objection. But that subject has been delayed, postponed, and put off, from time to time, without any earthly excuse. Northern Whigs and northern Democrats were not prepared to act upon this matter. They desired to wait for the Senate to act upon it. It has been in vain that we have called on them, and solicited and importuned them to act on this plainest of all questions ever presented to this body. Well, sir, the bills admitting California have been laid aside in both Houses, and this bill to give Texas a State carved from New Mexico, and to tax our people to supply the coffers of Texas, is on your table; and the very men who have urged further delay in regard to California, after the bill had been discussed for seven months, now turn round and are willing to pass this most objectionable measure without discussion. These sudden changes of position appear unaccountable to those who are not initiated into such political mysteries. Why is this delay of one measure, and this hot haste to dispose of another? Why, sir, there is but one answer—

the slave power commands; and northern servility obeys.

We are told that the President is anxious for the settlement of these questions, and his late message shows such to be the case. To this message I will now ask a moment's attention.

So far as it treats of our rights to the entire Territory of New Mexico, and the duties of the Executive to protect and defend the people and Territory until Congress shall dispose of the subject, its doctrine is sound and its argument conclusive. To this extent I believe the people of the free States, including all political parties, will sustain and uphold the doctrines of the message; and they will stand ready at all times to aid and assist the President in carrying them into effect.

Sir, I take this opportunity to declare, that neither myself nor the political friends with whom I act, are disposed to make war on any man or any party. We are contending for what we deem great and paramount principles; and so far as the President and his party shall carry out our doctrines, we shall rejoice to act with him; and whenever he or his party departs from the essential doctrines on which our Government rests, or adopts a policy opposed to justice or to the rights of the people, we shall freely express our disapprobation and make known our objections. We shall expose his errors with the same freedom that we sustain him when right. I therefore repeat, and I take pleasure in saying, that to the extent before stated, the message is right and satisfactory, and will be supported.

But when the President goes on to describe the dangers arising to our Union from the blustering of Texas, and more than intimates the propriety of our paying Texas for a portion of New Mexico, merely to purchase her silence, and to hire her not to intimidate us, I feel constrained to say that I regard such intimations unworthy of his high station. It is undignified, and bespeaks a timidity unbecoming the Chief Magistrate of a mighty nation. No man can mistake the President's anxiety for the safety of the Union, which none ought for a moment to regard as endangered; and his anxiety also to make peace with Texas, without very particular regard to the terms on which it shall be obtained, is too apparent to be misunderstood.

Every attentive reader of the message must be satisfied that it begins with General Taylor's policy, and ends with that of the Secretary of State. It begins boldly, but ends pusillanimously. It commences by a fair maintenance of our rights, and closes by advising us to purchase safety of Texas. It opens by informing Texas that she must submit to constitutional authority, and concludes by intimating that she shall be well paid if she will abide in the Union with us.

The message was most evidently intended to facilitate the passage of the bills to which I have referred. Indeed, the *National Intelligencer*, the organ of the President, comes out this morning giving a programme of our action upon these measures. It not only informs its readers that these objectionable bills are to pass this body, but it descends to the detail, and gives us distinctly to understand that they are to be acted upon "*in the order in which the Senate sends them to us.*" It gives us the assurance that this bill giving up a portion of New Mexico to Texas, and paying her ten millions to take it, is in perfect accordance with the Executive views. We are also told that we are to have no further delay, that the session ought to be brought to a close, and that these bills must not detain Congress at this season of the year.

Well, sir, these admonitions, coming from such a quarter, are surely worthy of consideration. I have this morning heard it suggested that the whole thing was arranged and agreed upon before the "compromise bill" was defeated in the Senate. That leading members at both ends of the Capitol concluded to force these bills through this body under the screw of the previous question, without discussing or amending them. And this, I understand, is to be effected by "*Whig votes.*" I shall await these movements with great interest. To this day, as I have remarked, the entire Whig party of the North has at all times and under all circumstances denied that Texas possesses title to any portion of New Mexico. I am unwilling to believe they will now throw a political somerset, and admit that she has a title there, and vote for paying her ten millions of dollars for it; "but we shall see what we shall see."

Representatives here have learned that there is a power not *behind*, but *above* the throne—one that will command obedience even from the President himself. When General Taylor first ascended the presidential chair he was anxious for the establishment of civil governments in California and New Mexico. All will recollect his anxiety to save the people there from the government of the bowie-knife and pistol.

Sir, a few Free-Soilers, aided by Whigs and Democrats, resisted the establishment of such governments unless slavery were excluded. The *indignant frowns* of the President were threatened to be poured out upon the free-soil party, if they again opposed that measure. These threats had no effect. Free-Soilers and the people stood firm. General Taylor saw the course of public sentiment, and wisely changed his policy, and himself opposed the establishment of civil governments in our Territories, to which the whole Whig party responded Amen. General Taylor now sleeps with his fathers. "Peace to his ashes." But a generation of Whigs has now risen up, who seem not to have known General Taylor, or his policy, who now turn their backs upon his plan and vote for civil governments in Utah and New Mexico without any exclusion of slavery. Well, Mr. Chairman, it is the duty of the soldier to face to the right, or to the left, or to *right about*, according to the word of the drill-sergeant. We shall soon have the opportunity of witnessing the manner in which these subsidized troops obey the word, and how many Whigs will now "take their turn upon the springboard," and give us specimens of "ground and lofty tumbling."

This, sir, was the principal object for which I rose. I wished to call the attention of the House and of the country to the alacrity with which members here change their position, and vote in direct opposition to their former professions. Why, sir, it is known to the whole country, that two years since the entire Whig party North stood pledged to the establishment of governments in our Territories *with the proviso excluding slavery*. I think on various occasions every Northern Whig member voted for it. The proviso or no proviso, was the issue in all the northern States in the presidential

canvass of 1848. On this issue General Taylor was elected, and General Cass was defeated. When General Taylor avowed his doctrine of non-action, the Whigs changed their position and sustained that policy. Now, sir, we are told they are to take one step more: They must go for territorial governments in Utah and New Mexico without the proviso. This, we are told, is the plan agreed upon—one which is warmly advocated by the organs of the party here. This will bring them, as a party, entirely round into the loco-foco doctrines of General Cass in 1848.

These measures—that is, the establishment of civil government in Utah and New Mexico; the establishment of the boundary line between Texas and New Mexico; and, to crown all, a bill for compelling northern freemen to become the catchpoles of southern slaveholders, were all suggested by the present Secretary of State, some five months since, while a member of the Senate. They were then regarded as odious by nine-tenths of the entire Whig party North. They were then looked upon with disgust, and their author with general disfavor. He is now at the head of the Cabinet. All his measures, odious as they are, are now pressed upon Congress, sustained by the Executive organ, and said to be a part of the Executive policy. I hope it is not so; I am unwilling to believe it; yet when I look back to the avowals of the Secretary of State while in the Senate, and bear in mind that he was selected to the Premiership while openly advocating these measures—when I see them sustained by his leading and confidential friends in this Hall, and in the other end of the Capitol, and by leading Whig papers, I am unable to resist the conviction that the President favors them. I am conscious that he cannot do it from a love of slavery. His message unfolds the secretly operating cause. It is the fear of domestic violence, of civil war with Texas.

Southern gasconade has excited alarm in older men than the President. It has been the usual weapon with which to assail the North for the last fifty years. I think the time has arrived when it should be disregarded by the President, and by Congress. If Texas and other southern States have determined to secede from the Union, the paying of ten millions of dollars will satisfy them only for the moment: other and more extravagant demands will soon be made. Indeed we know, that most of the southern malcontents make the rejection of California the test of abiding in the Union. They assure us that the Union shall be dissolved if California be admitted. To yield to these demands, is to admit that we have no Government, nor an association that is competent to exercise the functions of a Government. And this vast sum which we are to pay Texas, is to reward her for abiding in the Union. No northern man pretends the money is to be paid for any other purpose. Those who advocate its payment, all admit it is to "*buy our peace*" with her. If she remain with us, she will do so for hire—for a compensation paid by northern men.

Sir, I have no language to express the feelings which this proposition creates in my own mind. Those who wield the government of Texas, must have great contempt for her people, or they would not for a moment attempt to sell her allegiance in this manner. And we, sir, must hold them as exceedingly degraded, or we would not attempt to purchase their fidelity by dollars and cents.

Of what possible benefit can Texas be to this Union? Since she professed to belong to it, we have been at constant and heavy expense to protect her against the miserable hordes of savages who infest her borders. For the transportation of her mails, the people of our free States pay a heavy sum yearly; and the keeping up of custom-houses requires a large annual appropriation beyond all the revenue they collect. We are constrained to pay our judges, marshals, and district attorneys for that State, in order to maintain a judiciary there. In short, under ordinary circumstance, every laborer of the North pays from his earnings an annual contribution to maintain the government of Texas. We all know these facts; and that from the nature of her soil and population, she will probably continue to be an expense to us for the next half century. And now we are called on to pay her ten millions dollars for the privilege of continuing this yearly burden upon our people. Why, sir, this was all foreseen at the time of her annexation, and the policy of forming a union with her was based upon the expectation that "*it would extend and perpetuate slavery.*" If, therefore, we pay this money, it must be paid for that purpose. This truth should be distinctly understood by every northern man. I repeat, sir, I would not give a dime to retain her in the Union. But if this money be paid her, let it be the reward for her *leaving* the Union, not for remaining in it. I can scarcely conceive of a proposition more insulting to northern freemen than this proposal to pay this money to Texas.

Before I conclude, it is due to myself and to the political friends with whom I act, that I should say, we have done all in our power to avoid the present aspect of this question. It was our wish to have disposed of the California bill at an early day, and in the ordinary course of legislation. We foresaw the difficulties now before us, and endeavored to avoid them. But gentlemen now in favor of this measure were anxious to delay final action in regard to the admission of California. That important measure, in regard to which our duties were so plain, has been put off, and delayed in every possible manner. Never has the indecision, the timidity of northern members been more conspicuously manifested than on that bill. Look to your Journal and note the early hour at which we have daily adjourned. The history of congressional legislation furnishes no parallel. Never has this body sat so few hours in each day, or done so little business in a given number of hours. Never has any bill before this body been so long delayed as that admitting California; none was ever so often postponed and set aside for other matters. To these postponements and delays I and the few friends with whom I usually act, have been opposed. We have exerted our influence to obtain final action on that question, but we failed to effect our object. We were urged to await the action of the Senate, to see what they would do in regard to it. Well, sir, counsels other than ours have prevailed. We have awaited the action of the Senate: they have sent us a bill establishing a civil government in Utah, and this bill to establish the boundaries of Texas and New Mexico. These in the order of business, now precede the bill admitting California—we must act on them

first. And we are told plainly that if we pass these bills, we may then take up and pass that admitting California. But we are also assured that if we reject these bills "*California shall not be admitted;*" that southern gentlemen will, by a factious course here, defeat all attempts to legislate on that subject; in other words, we must pass this bill giving to Texas money to pay her ten millions of debt, *or our Government is to be brought to an end.* We are to legislate under this kind of duress.

Sir, I stand here as a free man, the representative of freemen. Thank God, I represent no slaves. I feel conscious that I could offer my constituency no greater insult than to vote for this bill—*I shall not do it.* If the stability of our Union were to depend on the passage of that bill I would spurn it with indignation. Never, sir, under any combination of influences, of interests, or of political considerations, will I consent to the passage of any law taxing the people of Ohio to pay the debts of Texas.

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SPEECH 4

OF

HON. W. A. GORMAN, OF INDIANA,

ON THE

ADMISSION OF CALIFORNIA.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, TUESDAY, MARCH 12, 1850.

WASHINGTON:
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1850.

SLAVERY IN THE TERRITORIES.

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. GORMAN said:

Mr. CHAIRMAN: In proposing to offer my views to the committee upon the subject under consideration, I must necessarily touch very briefly upon the several topics now agitating the public mind, and alluded to in the President's message now before us. Therefore, without further introduction, I propose to give the views of myself and a large majority of the constituents I have the honor to represent. I need not remark, that almost every State, in which African slavery is tolerated as an institution, has declared, by legislative resolves, by and through the messages of their several Governors, and by expressions of their feelings and sentiments in primary meetings, that the Congress of the United States has no constitutional power to legislate upon the subject of slavery in the States or Territories. This fact is universally known, through the medium of the press. These States have, in the most solemn manner, declared their determination never to submit to further aggression upon what they deem their constitutional rights. This leads me to inquire whether the institution of slavery exists in any of the territory lately acquired by the treaty with Mexico. We of the free States have held, and now hold, that African slavery, or involuntary servitude, does not exist there. In proof of this position, we say, that when a Government acquires territory, inhabited by people, that all laws, not strictly political, remain in full force, until they are altered by the new sovereign. Here we admit, if a country is discovered by the people of a nation, in this instance, the laws of the Government to which the discoverer owes allegiance are brought with them, and are in force until they are altered by some other legitimate power.

"It is a settled principle in the law and usage of nations, that the inhabitants of a conquered territory change their allegiance, and their relation to their former sovereign is dissolved; but their relation to each other, and their rights of property, not taken from them by orders of the conqueror, remain undisturbed."—5 *Rob. Rep.*, 106.

"The cession or conquest of a territory does not affect the rights of property."—*Vattel, b. 3, ch. 13, sec. 200.*

"Again: in the case of The United States against Percheman, 7 Peters U. S. Rep., 51; Michell *vs.* The United States, 9 Peters U. S. Rep., 711; Strother *vs.* Lucas, 12 Peters, 410, 438."

"*The laws, usages, and municipal regulations, in force at the time of the conquest or cession, remain in force until changed by the new sovereign.*"—*Calvin's case*, 7 *Co.* 17; *Campbell* vs. *Hall*, *Cowp. R.* 209; 9 *Peters U. S. Rep.*, 711, 734, 748, 749; *Strother* vs. *Lucas*, 12 *Peters*, 410.

"There is no doubt of the power of the sovereign to change the laws of a conquered or ceded country by a mere declaration of his will."

But the sovereignty of the American States rests in the people, and is promulgated through their representatives, in the executive, legislative, and judicial departments of the Government; and before the laws that, by the usage and custom, are repealed or altered by this Government, they must be governed by the laws in force at the time of the cession. And no one pretends that they have been altered. This principle was well illustrated in New York, in the case of the Canal Appraisers *vs.* The People, 17 Wendell R., 584, 588. When the English acquired the possession of New York by force, in 1664, the charter granted in that year to the Duke of York, contained an explicit declaration of the King's will, that the laws of England should be the established laws of the province. And this put an end to the operation of the Roman-Dutch laws imported from Holland. The illustrations above alluded to, of the sovereign power of the conqueror over the laws of the conquered countries, appear in the case of the northern barbarians, who overrun the south of Europe during the fifth and sixth centuries. They neither adopted their own laws entirely, nor retained those of the conquered countries to their full extent.—*Savigny's History of the Roman Law, vol.* 1.

"The conquest of Gibraltar, Trinidad, Ceylon, the Cape of Good Hope, Louisiana, &c., all show that the old laws remain, or the laws of the conquering nation, in whole or in part, are substituted at the mere will and pleasure of the conqueror."—*Note to 1st Kent's Com.*, p. 178.

The next question to be determined is, has African slavery been abolished by any legitimate act of the Mexican Republic? We of the West say it has—first, by the decree of 1829; second, by the act of the Mexican Congress of 1837, to which decree, a distinguished Senator from Texas [Mr. RUSK] has taken exception, as not being legitimate. This decree is as follows:

"*Day* 15.—*Decree of the Government in virtue of extraordinary powers.*

"*Abolition of slavery in the Republic.*—1. Slavery is abolished in the Republic. 2. Consequently those are free who until now, have been considered as slaves. 3. When the circumstances of the treasury permit it, the owners of slaves shall be indemnified in the manner prescribed by the laws.

"The decree of the 15th September, 1829, gave liberty to the slaves then in the Republic, with indemnity to their owners or possessors, that property might not seem to be attacked; and finally, in April, 1837, a new law had been published on the abolition of slavery."

He assumes that they have no binding force, because they were promulgated while the Govern-

ment was in a state of revolution, and by a dictator.

This might have some force, if it were not for the act of the Mexican Congress, acting within their legitimate sphere, passed in 1837, solemnly affirming the decree of 1829. If even this act of the Mexican Congress had not been fully legitimate, all doubt must be dissipated, when the constitution of 1843 absolutely abolished slavery, as the following extract will prove:

"No one is slave in the territory of the nation, and any introducted shall be considered free, and shall be under the protection of the laws."—*Const.* 1843.

The two preceding propositions being affirmed by most of the free States, and denied by part of the South, both sections can, and ought, to settle this vexed question of slavery by the old, time-honored doctrine of the Democratic Republican party—non-intervention; and should a slaveholder emigrate to this territory, or any part of it, we affirm that he will find, staring him in the face, the laws now in force prohibiting slavery. Then we have a constitutional tribunal to test the legal question, which will necessarily then arise, whether his negro is a bondsman or freeman? Here, then, I present a peaceable, constitutional remedy for both the North and the South, without resorting to dissolution or prohibition. Will the South accept this non-intervention platform? Will the North accept this constitutional and peaceable platform? Will the South trust the Supreme Court? Will the North trust the Supreme Court? If they will, this question can be settled in peace and concord. The legal minds of the South must have been strongly impressed with the belief that slavery did not exist there under or by authority of law; therefore it has been that this species of property has not been taken there, as a general thing, by the southern people.

I now propose to inquire, whether a slaveholder would venture to take his slave there as property? If a citizen of Georgia proposed to emigrate to Louisiana, the first inquiry would naturally be, "Can I hold my slaves as property by the municipal laws of that State?" He is answered, yes. But suppose there is also a law upon the statute books of Louisiana, which declares that all negroes—slave children—born after the year 1852, should be free. I ask the honorable gentleman from Georgia [Mr. Toombs] if he could evade the force of that law, by declaring that the Constitution of the United States recognized the institution as existing in Georgia—therefore, he had a vested right to his slave, as property—and being the owner of the mother, that he had a right to the offspring—and that no municipal law could deprive him of it? I presume, as a lawyer, he would not hesitate to say, that he must submit himself and his property to the laws of Louisiana. I ask him whether the municipal law of a territory has not the same binding force upon the inhabitants as it has in a State?

Now, Mr. Chairman, I propose to make a brief reply to many assaults which have lately been made upon the Democratic party. The honorable gentleman from Georgia [Mr. Toombs] has charged upon the Democratic party North and South, that, by their united efforts, they acquired Texas, the reoccupation of Oregon, California, and New Mexico; that, for his part, he "had but one record—and that was, against the acquisition." To this charge, I, in behalf of that gallant Democratic district which I have the honor to represent, plead guilty. It was the Democratic party who stretched out their arms to their Texan brethren, and bid them welcome back to their old mother. It was the Democratic party who sympathized with her cause, and mourned for the loss of her noble sons, who laid down their lives in the cause of liberty; and it was the Whig party that opposed her cause. It was the Democratic party who was for the war with Mexico, brought on by the shedding of American blood upon American soil; it was the Whig party that opposed it, with a few noble exceptions. It was the Democratic party who declared that this war was begun by the act of Mexico; it was the Whig party who said, that it was unnecessarily and unconstitutionally begun by the act of the President. It was the Democratic party who acquired California and New Mexico, with her inexhaustible mines of gold and silver, and other precious metals—thereby opening a new and extensive trade on the Pacific; it was the Whig party who opposed it. It was the Democratic party that obtained the reoccupation of Oregon, with her vast agricultural resources, her noble rivers, and her harbors; it was the Whig party who opposed it, with a few honorable exceptions. The honorable gentleman from Georgia should have gone further, and told his Whig friends that it was the Democratic party that acquired Florida from Spain, and Louisiana from France; both of which acquisitions have opened new channels of commerce and wealth, and given an outlet to the great valley of the Mississippi, for her inexhaustible agricultural productions; it was the Whig party that opposed it. It has been the Democratic party, who have always advocated the progress of human liberty throughout the world; it has always been the Whig party who opposed it.

Sir, I now propose to say a few words about the hackneyed phrase of northern and southern aggression. The fanatics of the North—I mean the Abolitionists—and their co-laborers, in the work of agitation, charge that the South have succeeded in carrying every measure before Congress. Why is this so? I answer, (if it is true,) that the heavy body of the Democratic party has generally been south of Mason and Dixon's line, and that they have had most of the Presidents—a Washington, Jefferson, Madison, Monroe, Jackson, and Polk. These illustrious men always maintained the doctrine of a strict construction of, and a firm adherence to the Constitution of the United States, and that Congress should exercise no power not granted in the Constitution, except it be a necessary incident thereto, to carry into effect some expressly delegated power. Each of these illustrious patriots left their impress upon the age in which they lived and ruled. They transmitted to their posterity their pure republican principles, which have been beacon lights to the Democratic party ever since. With those republican doctrines, many of the northern States and nearly all the western States, have deeply sympathized, as the only safe doctrine for the perpetuity of American liberty. For many years past, the South alone have not had the numerical strength to pass any law without assistance from the North and West. The Democratic party, North and South, have invariably resisted the doctrine of protecting the manufacturing capital of the North and East, at the expense of the great agricultural interest of the country; and I very much fear, that this agitation of the slavery question has its foundation in a desire to get rid of any further association with this republican

sentiment of the South; and finding the southern people sensitive upon the subject of slavery, have seized upon that question as a pretext to cover up the real motive. But, Mr. Chairman, what do the South ask? I answer, nothing, but to be let alone. If I understand her statesmen, and those who profess to speak for her upon this floor, they do not propose to extend the institution of slavery by any act of Congress. The Democratic party of the South, in most of the States, have passed resolutions, declaring the doctrine of non-intervention as the only constitutional ground that can be taken on the subject of slavery in the territories. Resolutions were adopted by the Democratic party of Georgia and Mississippi, in 1848, substantially as follows:

"*Resolved*, That the people of the South do not ask of Congress to establish the institution of slavery in any of the territory that may be acquired by the United States. They simply require, that the inhabitants of each territory shall be left free to determine for themselves, whether the institution of slavery shall, or shall not, form a part of their social system."

Upon the platform laid down in the above resolution, the Democratic party went into the political contest in 1848. Upon that platform, the great body of the Democratic party yet stand firm; and had the honorable gentleman from Georgia [Mr. Toombs] been found doing battle in the cause of that distinguished patriot, Lewis Cass, and brought that gallant little State of Georgia into the Democratic ranks, he would not now be under the necessity of raising his voice in the defence of the constitutional rights of the South. He would then have had at the helm of Government a man, pledged to veto any unconstitutional restriction upon the rights of the people; but he chose to continue chained to the idol of party, and what has been his reward? I might leave him to answer; but I propose to tell him what he has done. He has a President, who recommends masterly inactivity upon the subject of the territories. He tells Congress, in the message now under consideration, to leave these people without government, without American laws, or without the protection of the American Constitution, until they form a State constitution, and then admit them into this Union—that is, he tells the gentleman from Georgia to slumber on quietly, and wait until the enemy have taken possession of the fortress; and then tells him, he must surrender at discretion. Again, Mr. Chairman: The Whigs of the slaveholding States have had much to do in making friends to this slavery agitation. Your Letchers and Metcalfes of Kentucky, came to Indiana, and told our people that General Taylor, if elected President, would let the will of the people, as expressed through their Representatives in Congress, become the law of the land; and that he would not exercise the veto power against the passage of the Wilmot proviso. Upon these declarations and pledges, the North relied, and voted for General Taylor. In the South, General Taylor was held up as a southern man, identified with the institutions of the South by all the ties of birth, education, locality, sympathy, and pecuniary interest; that he was the owner of slaves himself, and that he never would desert the South. In this dilemma General Taylor now finds himself. He is now the President of the Republic, and under the Constitution is compelled to recommend, from time to time, such measures as he may deem necessary to promote the public welfare. And thus we have the message now before us, to extricate him, and save him from the calamity which must necessarily befall him and his Administration, should he be compelled to approve, or disapprove, the Wilmot proviso. And, sir, I can well imagine the difficulty he will have to encounter by doing either. At this juncture, the honorable gentleman from North Carolina [Mr. Stanly] comes to the rescue; and it almost seems to me, sir, that I can see the old soldier, struggling like Cæsar in the Tiber, with raised arms, and hear him cry to the honorable gentleman from North Carolina, "Help me Cassius, or I sink!" while faithful Cassius flies to the rescue, and boldly charges the Democratic party with a design to break down General Taylor's Administration. He says, (I quote from memory,) "that 'party is at the bottom of all this agitation; that 'we have had a southern man for President, southern Speakers of the House of Representatives, and 'Democratic majorities in this House, and have 'never manifested opposition heretofore, but have 'reserved all our assaults, until General Taylor 'became President." To this, I have only to say, that when we have had Democratic majorities, there was no danger of breaking over constitutional barriers, and invading the domestic institutions of the South. Sir, until lately, the Democratic party has been but slightly infected with this fanatical spirit of agitation. But the whole Whig party of my State, with a few honorable exceptions, sympathized with this abolition and free soil movement, until General Taylor's nomination for the Presidency. Since then, I have no knowledge of their whereabouts. If any of that party from my State can give any information, I leave the task to them.

Mr. Chairman, I now propose to show the spirit that animates the Abolitionists, and most of the Free-Soilers in the North. The gentleman from Georgia [Mr. Toombs] has been denounced all over the North, through the press, and elsewhere, for sentiments uttered during the heated excitement existing here, pending the election for Speaker—sentiments, sir, that I did not approve, and never expect to. The honorable gentleman from Alabama [Mr. Hilliard] has been arraigned by the honorable gentleman from North Carolina, [Mr. Stanly,] for uttering sentiments, and proposing resistance to any further encroachments upon southern rights: these were uttered during the heat of debate, and can, and ought to be, by honorable and fair men, partially excused.

But, sir, I beg you to listen to the deliberate and cool language of the distinguished gentleman from Massachusetts, [Mr. Mann.] He says: "In con-'clusion, I have only to add, that such is my 'solemn and abiding conviction of the character of 'slavery, that, under a full sense of my responsi-'bility to my country and my God, I deliberately 'say, better disunion—better a civil or a servile 'war—better anything that God in his providence 'shall send—than an extension of the bounds of 'slavery."

Who from the South was ever heard to use such language? Who from the South ever implored disunion and civil war rather than the non-extension of slavery? Who from the South ever uttered so treasonable a sentiment? I answer, none. Let us reverse this deliberate declaration of the gentleman from Massachusetts, and put it into the mouth of a gentleman from a southern State, and then view it in all its wicked and immoral tendencies. "Better disunion—better a civil or a 'servile war—better anything that God in his prov-'idence shall send, than that we shall not get sla-

'very extended to California or New Mexico." What would the northern press, the northern people, and the northern Representatives have said to such a sentiment? It would have been denounced as most wicked and despicable. And it must be recollected, that this is not the language of a gentleman of the Garrison school of Abolitionists—he will not consent to be classed in that category—but it is from a genuine Whig of the North.

Mr. MANN rose, and said: Will the gentleman from Indiana allow me to explain?

Mr. GORMAN. I do not yield the floor. The gentleman has written out his remarks, and I deal with nothing else.

Mr. MANN. That is the spirit of his remarks—a misrepresentation, and then a refusal of explanation.

Mr. GORMAN. Then I will read from the printed speech—(reading the precise words as quoted.) I ask the gentleman if he acknowledges that to be a part of his speech?

Mr. MANN. I made a speech in which I used those words, and expressed those sentiments.

Mr. GORMAN. Then I have not misrepresented the gentleman from Massachusetts.

Mr. MANN. Will the gentleman allow me to explain?

Mr. GORMAN. If the gentleman will not be too long.

Mr. MANN. I made a speech, in which the sentiment read, occurs—that is my sentiment. But the gentleman from Indiana uttered something relative to Massachusetts, to which I wish to reply.

Mr. GORMAN. I cannot yield for that; but if I uttered one sentiment derogatory to that old State, it was altogether unintentional.

Mr. MANN. If the gentleman from Indiana would allow me, I wish to say one word?

Mr. GORMAN. I cannot be interrupted any further, unless the gentleman says that this (holding it up) is not a fair copy of his speech.

The gentleman from Massachusetts [Mr. MANN] says, "Our share, therefore, of the calamities of a civil war, will be mainly of a pecuniary nature."

Yes, Massachusetts will suffer but little from civil war. I suppose, Mr. Chairman, they will do as the turtle, draw in their heads—and say, as they did of *old*, Massachusetts never goes beyond the confines of her State to fight. No, Mr. Chairman, the great West will be the losers by a dissolution of this Union, or by civil war. Indiana is on the border of a slave State; and I suppose the gentleman from Massachusetts will call upon *us* to fight it out, while they receive no damage but "of a *pecuniary nature.*" But, sir, in this contemplated dissolution, where are we of Ohio, Indiana, and Illinois, to go? Are we to go North, and be tied to the northern capitalists; and our farmers to become tributary slaves to protect manufacturing capital? God forbid, and save us from any such destiny! The life's blood of my people depend upon their trade upon the great waters of the Mississippi; and, sir, we as naturally go there with our produce, as a child goes to its mother's breast for sustenance and support. We never will be cut off from it. Some of the precious blood of my people, yet living, was poured out upon the battle-fields of the South, to secure to their children the free navigation of its waters; and they are bound to that section of this Confederacy by hooks of steel; and they are resolved never to be deprived of its advantages.

How can you expect, gentlemen of the South and of the North, to continue in harmony and peace, when this spirit of fanaticism is constantly telling our southern brethren that they are tyrants, and are tyrannizing over a portion of their fellowmen, and using toward them epithets of every disreputable character? Your agitation has brought us to the crisis that we are this day contemplating. And what great national good has ever been accomplished by it? If this agitation is continued a few years longer, and sectional strife results in the formation of parties by geographical lines, from that day the bonds of fraternal union will be weakened, and finally rent asunder forever. And with the dissolution of this Union, must necessarily come a civil war, which will bury in blood forever the hopes of human freedom throughout the world.

Mr. Chairman, I now propose to examine, for a few minutes, the doctrine of the Wilmot proviso. I have said to my constituents, and I repeat here to-day, that this proviso "was conceived in sin, and brought forth in iniquity," by Martin Van Buren, through a deep-seated desire to avenge his disappointed ambition. It was intended to defeat Lewis Cass and the Democratic party. Yes, Mr. Chairman, this "son of York," that the great Democratic party had nursed, reared, and caressed, and into whose nostrils they had breathed the breath of political life, when he came to full maturity, "turned to a serpent, and stung his benefactors to death." But I firmly believe he has furnished a motto for our political regeneration: "The sober, second thought, of the people."

> "Truth, crushed to earth, will rise again;
> The eternal years of God are hers."

But if the South ask us of the North to give our consent to *extend* slavery one inch, *by law*, we say, No, no; we cannot, *we will not, do it.*

If the only choice left us, is to vote for slavery extension, or for restriction, we will vote for *freedom;* we are no *propagandists* of slavery; we propose to *trust the people*—and there we stop.

Now, Mr. Chairman—pardon this digression—I propose to inquire whether it is necessary and expedient to pass the "Wilmot proviso," or otherwise trammel, by Congressional action, the will of the people in these territories.

If, as every northern man, and many of the southern, admit, that these territories are now free from African slavery, how can they suppose that the passage of the proviso will make it more free? The only ground upon which the Wilmot proviso can be justified, by republicans, is, that they doubt the capacity of the people to govern themselves—that they believe the people are not so wise, not so moral, not so good, and that they do not love liberty so dearly, as they do! Northern Free-Soilers are wonderfully alarmed for fear the *people* will not know what is best for their own welfare, for fear these far-west, backwoods pioneers, will not have sense enough to take care of themselves. The doctrine of the Wilmot proviso presupposes that Congress has the power to do everything, not expressly forbidden. Instead of the republican doctrine, that Congress can exercise no power not expressly granted, or as a necessary incident to some express grant, and that all power not expressly granted to the General Government is reserved to the States respectively, *or to the people.* This doctrine of the proviso assumes that Congress has power to make all needful rules and regulations for *the people* of the territories, and confounds the *people*, and the inherent rights of man, with the right which is granted in the Constitution to make all needful rules and regulations for the disposition of the *property* of the United States.

Mr. Chairman, I assume, on the basis of republican liberty, that man, in a civilized state of society, has the inherent right to life, liberty, and the pursuit of happiness, and also the inherent right in all republican governments, to have a voice, directly, or through representatives, in making all needful rules and regulations for the government of that natural right of life, liberty, and the pursuit of happiness. And, Mr. Chairman, to deny any part of our fellow men that right, as this self-styled Free-Soil party propose, is old-style Federalism, which in olden times declared that "the people were a rabble, incapable of self-gov-'ernment, and that none but the rich and well born 'should have power to govern. The ignorant 'masses ought to thank God that they were well 'governed, and that they should not even desire to 'govern." It assumes another doctrine, that stinks in the nostrils of freemen—that is, that Great Britain, headed by King George, was right in the days of the revolutionary struggle, and that our colonies were wrong—that King George and his Parliament had a right to tax us without our consent—that he had a right to send standing armies to be stationed among them in time of peace, to eat out their substance without their consent.

This proviso doctrine assumes another Federal-toned ground, that the people of these territories will not have the power to prohibit slavery from coming there, if a few slaves once get a foothold there. This again sets up the idea, that we northern folks must needs watch over you for fear you will suffer yourselves to be imposed upon. Mr. Chairman, if slaves are taken there, a constitutional district court of the United States will also go there. In that court, if any person feels aggrieved, will be found ample power to redress their grievances, under the Constitution and laws of the land. But now here comes the sticking point. These exclusive lovers of liberty and freedom, say they will not trust the constitutional tribunals, because some of the judges are southern men. Here is the sore that festers deepest. They cannot trust the Supreme Court!—they cannot trust the people of the territories!—they cannot trust Americans to make their own laws, for fear these pioneers will *abolish freedom*, and impose upon themselves some terrible evil.

These exclusive champions of liberty and human freedom, must needs take this matter out of the hands of those hard-fisted, honest-minded, people of the far West. But, sir, when the clarion of war is sounded on our western or Indian border, does the patriotic ardor of this free-soil, free-labor, free-speech party, rally to the standard of their country? *Generally*, sir, the contrary is true; generally, sir, they are found saying that our country is wrong, and the enemy right.

But one word upon the subject of the Missouri compromise: I will never vote for it. I will never yield to the doctrine of restriction on the inherent rights of the people, either north or south of 36° 30′ north latitude. I am willing to trust the people, and them alone. They are to suffer whatever evil they deliberately impose upon themselves, and not my constituents. I maintain the position, that Congress has quite as much authority to restrain and restrict the institution of marriage, or the relation of master and apprentice, guardian and ward, or parent and child, as they have to restrain the people of a territory from adopting their own municipal regulations, while they act within the powers and limitations of the Constitution of the United States. Therefore, I will not vote for the Missouri compromise, because it should be free north, and free south, if the people say so. I am not afraid that *Americans*, native or adopted, will do wrong to themselves.

Sir, one word upon the admission of California into the Union, with her present constitution. It is assumed, by some of the South, that she has been tampered with by the present Chief Magistrate, General Taylor, for the purpose of avoiding the political calamity that would necessarily befall him, whether he signed or vetoed the Wilmot proviso. If it could be done without a sacrifice of principle, I frankly confess, I would like to see the cup put to his Executive lips—not that I would desire to see any personal calamity befall him; far from it. His friends may build to his well-earned military fame, a monument as high as the sun; I will never reach out my hand to tear a block from the pyramid. But I do not think it important to know whether or not he interfered. The people met—formed their constitution at their own time, in their own way, and it is republican in its form, and that is all we have a constitutional right to know.* It was submitted to the people for their consideration, either to be ratified or rejected. They ratified it by an overwhelming majority; and, sir, more—they have elected a Democratic Governor and Lieut. Governor. They elected Democratic delegates to the convention—they formed a truly Democratic constitution—they elected Democratic delegates to Congress,- and Democratic Senators; and this satisfies me that these people, had then, and have yet, sound judgment, and just notions of republican liberty, in spite of Executive influence.

If the Executive counsels had effected anything, would not the California constitution, like his own notions of masterly inactivity on this slavery question, have prevailed, and a profound silence been observed? No, sir, these people that voted and acted in this matter, were, nineteen-twentieths of them, Americans, who knew their rights, and the flashing of Executive patronage in their faces, could not deter them from the right. More, sir; these people were, and are yet, nearly all plain Democrats, and General Taylor and his Cabinet could not have influenced them one way or an another. I have the pleasure of a personal acquaintance with many of these people. They love freedom and equality. They understand the *blessings* of civil and religious liberty—the freedom of the press and of speech. Did this Administration prevent them from inhibiting all banks and banking institutions? I ask southern Democrats if they think that this clause was made by the consent of this Whig Administration? I presume not.

But, Mr. Chairman, I hope to be pardoned for turning aside to notice a remark made by the honorable gentleman from Pennsylvania, [Mr. Stevens.] He, sir, is a distinguished leader of the Whig party, and like the honorable gentleman from Massachusetts, [Mr. Mann,] he must bear

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* Mr. Calhoun introduced the following resolution into the United States Senate in 1847:

"*Resolved*, That it is a fundamental principle in our political creed, that a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness. And that in conformity thereto, no other condition is imposed by the Federal Constitution on a State in order to be admitted into the Union, except that its constitution shall be republican; and that the imposition of any other by Congress, would not only be in violation of the Constitution, but in direct conflict with the principles on which our political system rests."

his share of the responsibility of this dangerous agitation. He says:

"But in this glorious country, where nearly two thirds of the people are free, we can say anything within these walls or beyond them with impunity, unless it be to agitate in favor of human liberty—that is *aggression!*"

Agitate for human liberty! That is the cant phrase. What does he propose to accomplish by agitation? He admits that we cannot disturb slavery in the States. He admits, and declares, that there is no slavery in California, or New Mexico. He admits, and declares, that they are now free. And now, I ask, who does he propose to make free? What bonds does he ask to break? What chains fetter the limbs of the freemen of the territories? I suppose he, like others of his party, is very much alarmed, lest these hard-fisted, honest-hearted people of the far West *will abolish freedom*, and load themselves with chains and slavery. Mr. Chairman, this is the style of all the free-soil arguments I have ever heard; but I desire to ask the free-soil Democrats one question. After you have got this slavery question settled, where do you intend, as a political party, to go? or what do you intend to do? Do you still intend to make it a political test of party organization? If you do, at this point you and I must part company. I claim to love liberty, my country, and the Constitution, as well, and as devotedly, as any man in any party. I, for one, will stand by the Constitution and the union of these States. Come what will, or may, "the Union must be preserved." "Indiana knows no North, no South—nothing but the Union."

I commend to the eye of the restless political demagogue—whose political *existence* depends upon his ceaseless efforts at slavery agitation—the following extract from the late letter of Governor Brown of Florida:

"These are times of excitement; and men remarkable for wisdom, honesty, and discretion, are rarely, if ever, conspicuous in promoting schemes of agitation. Such men, at such times, and in such schemes, usually give place to the *restless politician and forward demagogue*, who generally manage to render themselves prominent and "popular, and of course successful."

Now, Mr. Chairman, I beg to say one thing to the great national Democratic party, of which I claim to be an humble member. You have held the control of this mighty nation for fifty years out of sixty. Its prosperity and its glory have been the work of your hands. You have passed through many storms of political strife, and have brought the ship of State, each time, safely into port. You have been beaten occasionally, but "never conquered." Your temporary fall has only given renewed energy and vigor to your time-honored principles of republican liberty. You have strangled to death that hydra-headed moneyed monster, that once threatened the freedom of the laboring millions, until the name of "United States Bank" stinks in the nostrils of every Democratic republican. You have sustained, triumphantly, the doctrine of "equal rights to all men, exclusive privileges to none." You have sympathized with, and sustained, the progress of human liberty throughout the world. Your voices, your strong arms, and stout hearts, have always been raised in defence of your country; and while your countrymen were bleeding at every pore—while your brethren were offering up their lives upon the altar of their country—you have encouraged and sustained them; and while they were pouring out their blood in a foreign land, in defence of the national honor, you never told the soldier, when he was returning from the field of blood, that he had just been engaged in a war that "was unconstitutionally and unnecessarily begun." You have, while holding the reins of Government, extended and enlarged the bounds of human freedom. In 1848 you fell, defending the right of the people to settle this vexed question, and all others, for themselves. The present Executive, General Taylor, has approximated to the truth, you fell defending. Even the great northern light—the great Ajax of northern Whig principles—after having made a most unjust and unfounded attack upon northern Democrats, has finally given in his adhesion to the northern Democratic doctrine, that there is no necessity for passing this "Wilmot"—I will add, "proviso:" he does not dignify it so much.* And now, when all parties, with but few exceptions, are giving in their adhesion to the truth of the Democratic doctrine of non-interference, on the subject of slavery in the territories, I hope to see northern Democrats standing in one rank upon the great rock of the Constitution, to save their beloved country from this threatening crisis. If you will, we shall have preserved our country, our national identity as a party, and our liberal, patriotic spirit as men. Then shall we have added another Democratic triumph to the long list of victories over error in by-gone days.

In conclusion, sir, allow me to say, that my people, who have so generously intrusted me with their confidence, if they were now to speak, would say, admit California into the Union—settle the Texas boundary—organize the territories, leaving the people, who are there, in the fullest enjoyment of their inherent rights to self-government—and abolish the slave trade in the District of Columbia, In doing these things, let every *Democrat*, north and south, unite in one fraternal bond of union. Then will the Union be saved. Then will the country be quieted. Then will disunionists, north and south, be consigned to the "tomb of the Capulets," and your beloved principles will again attest the truth, that "the people are capable of self-government."

* And I have therefore, sir, to say, in this respect also, that this country is fixed for freedom to as many persons as shall ever live there, by an irrepealable law—a more irrepealable law, than the law which appeals to the right of holding slaves under legal enactments. And I will say further, sir, that if a resolution or a law were now before us to provide a territorial government for New Mexico, I would vote to put into it no prohibition whatever. The use of such a prohibition would be idle, as it respects any effect upon the territory. I would not take pains to reaffirm an ordinance of nature, nor to reënact the will of God. I would put in no Wilmot Proviso, for the purpose of a taunt and reproach—an evidence of superior votes, or superior power—to wound the pride, even—whether a just and rational pride, or an irrational pride—to wound the pride of the gentlemen and people of the southern States. I have no such object, and no such purpose. They would think it a taunt and an indignity. They would think it to be an act taking away from them what they regard as a proper equality or privilege. Whether they are expected to realize any benefit from it or not, they would feel that at least a theoretic wrong—something derogatory, in some degree, more or less, to their character—had taken place. I need not inflict any such wound upon the feelings of anybody, unless in a case where something essentially important to the country, and efficient to the preservation of liberty and freedom, is to be effected. Therefore, I repeat, sir—and I repeat it because I wish to be understood about it—I do not propose to address the Senate often upon this subject. I desire to pour out all my heart as plainly as possible. I say, therefore, sir, that if the proposition were now here, for a government for New Mexico, and it was moved to insert a provision for the prohibition of slavery, I would not vote for it."—*Webster.*

SPEECH

OF

HON. JAMES S. GREEN, OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES, APRIL 4, 1850,

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. GREEN addressed the House as follows:

Mr. CHAIRMAN: I have sought this opportunity to address the committee, with no disposition to increase the present raging excitement. My purpose is not to add fuel to the flames that already threaten to envelop us in one general conflagration. Peace is my desire. Harmony among the States, with strict justice to all, my best efforts shall be directed to attain. But, sir, we need not disguise the truth. We should not deceive ourselves. It is idle to sing songs of peace, while fearful dangers hang thick around us. We must see the danger and rightly apprehend it, in order to provide against the difficulty, and ward off the threatened calamity. No ideal or imaginary alarm should ever excite us; but when we must know our Union is in peril, and the dearest rights of freemen menaced with destruction, it is our solemn duty to come to the rescue, and exert every faculty of body and of mind to preserve our Government, and maintain the cherished principles of our institutions. Such is the condition of affairs at the present time. My object, therefore, is to contribute to the restoration of harmony, and assist in the settlement of all the agitating questions which unfortunately array one section of the Union against another, and jeopardize the longer continuance of our political relations.

Heretofore I have abstained from saying anything in this Hall on the subject of slavery. Abstract discussion, without reference to practical legislation, seemed to me to promise no good; but now, when grave and important propositions are pending, upon which I must soon vote, it becomes a duty to present to my constituents the considerations that govern my official action. It is my purpose to discharge that duty on the present occasion.

What, then, is the question before us? How shall it be met and settled? and what means shall be resorted to, in order to allay the great excitement and ill-feeling which have been gotten up, and have spread over our land? The real question is, the existence of domestic slavery; and its relation to the government of the Union should be examined with honesty and candor, on principles of enlightened human reason. It is useless to waste time by referring to the causes which have brought into existence the present state of affairs. They are well understood by the country. As practical men, we must meet the difficulty, and so adjust it within the scope of our power as to produce the greatest good to all, or, perhaps more justly speaking, the least evil to the country.

All are aware of the fact, that when the present Federal Government was formed, slavery existed in the States, and each one came into the Union with full knowledge of the recognition and guaranty of slavery by the Government thus created. This fact, in a moral and legal sense, is sufficient of itself to estop every one from interfering with, and prejudicing slavery through the action of the *partnership* Federal Government. Honor and good faith forbid it. Slavery enters into the elements upon which this Union is based. It is found in the legislative branch, in the executive branch, and in the power of taxation, which may be regarded as the vivifying and life-giving faculty of all Governments.

Surely a Government ought not, and cannot, rightfully exert any power to destroy one of the elements of its own existence; and that consideration should stay the hand of all friends of the country from attempting to injure the institution of slavery. But notwithstanding these facts, which cannot be doubted, the North allege that slavery is an evil, that it should not be permitted to spread over the territories acquired from Mexico, and that Congress should prevent it by such legislation as may be necessary to effect that purpose. To accomplish this end, different means are proposed. One is, to pass the Wilmot proviso, prohibiting slavery in all the territories; the other is, to evade the odious stigma of the proviso by artifice, and produce the same result by bringing California into the Union, and leave the other territories to follow her example, and prohibit slavery also, as the only means of insuring their admission as States. Both of these plans are designed by the provisoists to accomplish the same end—that of excluding the South from all participation in the enjoyment of the territory.

It is well known that the importation of slaves has been forever prohibited under the strongest possible penalties. All increase of slavery is, therefore, perpetually cut off, and the *only question with those who have the right to interfere with it, is one of internal regulation of a preëxisting institution.* Slavery is here, and fully recognized by the Constitution, and the point is raised whether it shall be confined to a limited space, to the destruction of the people, or whether it shall be permitted to diffuse itself over a wide surface, and thereby mitigate its evils, and disseminate its advantages—the sum total of slavery being the same in each case, without increase or diminution. Now, since new territory has been acquired, why should any efforts be made to circumscribe the limits of a constitutional institution, and prohibit it in the territory, which has been obtained by that Government whose elementary principles are based upon slavery? Such efforts look to me as suicidal and revolutionary; they have the appearance of wanton insult to the southern States of the Union.

The South do not ask for an increase of slavery, nor do they ask Congress to establish it by law anywhere. All they insist upon is, that the territory belongs to the whole Union, and not exclusively to the North, and that, therefore, they should not be excluded from it by law, but leave the subject to the control of natural causes under the guaranties of the Constitution of the United States. The restriction could not possibly result in any good; to the slave, so far from benefiting his condition, it would prove a serious and material injury. Cramped and confined within the limits he now occupies, his comforts, and even necessaries of life, must and will diminish in the certain ratio of natural increase, until misery and starvation terminate a suffering existence, or impel to some horrid deed of blood and carnage. Similar effects, from the same cause, have been produced in other countries, and every principle of humanity, as well as wise legislation, require us to avoid so fatal a calamity. To the white population, the restriction is fraught with still more appalling consequences—either to abandon entirely that country to the blacks, or exterminate them, or fall victims to their starving and excited fury.

These consequences may be remote, but they are, nevertheless, equally certain.

Jefferson took the correct view of the subject of restricting the area of slavery, and said, "I am 'certain, that as the passage of slaves from one 'State to another would not make a slave of a 'single human being, who would not be so with-'out it, *so their diffusion over a greater surface would* 'make them individually happier," &c.

And Mr. Madison, in a letter to President Monroe, said, "I have certainly felt all the influence 'that could justly flow from a conviction that an '*uncontrolled dispersion of the slaves now within the* '*United States, was not only best for the nation, but* '*most favorable for the slaves also.*"

These distinguished statesmen, with that forecast and patriotism for which they ever stood pre-eminent, declared that the uncontrolled dispersion of the slaves now in the United States (for no more can be imported) was best, not only for the slaves, but for the whites also. Why, then, let me ask, should these lessons of wisdom be disregarded? Why should a policy be adopted which must result in injury to both races? The northern agitators pretend to admit they have no constitutional power to liberate the slaves. Now, if this interference, by restricting the area of slavery, as it is called, does not have the effect to liberate slaves, then nothing is accomplished to lessen slavery; but if the effect should be to induce or compel the master to emancipate, then an end would be produced by indirect means, which it is conceded could not be constitutionally done by direct means. That would, consequently, be legally and morally wrong, and if it should not follow, as a sequence to restriction, the sum of slavery would not be in the least diminished—so that, in either event, such interference is wholly unjustifiable, and ought to be condemned by all honorable men, and by all law-abiding citizens.

But it is sometimes said that, although it will do no good to the Union, and although it may injuriously affect the old slave States, yet it will save the territory from slave labor, and thereby prove a blessing to the inhabitants thereof. This sophistical idea has been urged so often, and with so much apparent sincerity, that it deserves a passing notice. Let me ask how the exclusion of slave labor from a territory, which cannot obtain a sufficient amount of labor, can possibly benefit the inhabitants? Labor is required and demanded, and if a portion is performed by the slaves, I cannot see how it can possibly injure the whites; so far from it, I believe it would be an advantage to the whites. The argument upon which the idea is based, will apply with equal force against all machinery, and all labor-saving inventions which, to that extent, dispense with white labor, and would appear to the superficial observer to diminish the demand.

Slave labor in the United States does not, and cannot, diminish the demand for white labor. We have millions of acres of wild, uncultivated, and fertile land, the productions of which, in the markets of the world, will more than compensate for the labor and capital employed; and there is room sufficient for all our laboring population to develop our resources, without injuriously affecting the white laborer by what may be performed by the slave. Indeed, the same principle that seeks to exclude slave labor, if adopted and carried out, will ultimately exclude all *foreigners* from our country. *Native Americanism* will be resuscitated, and the worthy German, and other European immigrants, will suffer the injuries of this false principle, by being excluded from our country and from the territory. Such restrictions are all wrong—they all proceed from a false view of the subject.

Slave labor does, to some extent, change the character and kind of labor for which the whites are required, without, however, diminishing the *aggregate demand* for their labor. The same may be said of wheat machines, corn planters, cotton jenneys, and the thousand inventions of our day. But still the call for white labor continues equally as great. Instead of being employed for menial and other unprofitable service, which must be performed by some person, they are made mechanics, artisans, farmers, &c., and the change in the kind of employment is favorable to increased wages.

To prove the truth of this remark, I invite gentlemen to compare the wages of labor in slaveholding and non-slaveholding States, from which it will be seen, that in the former wages are at least twenty-five per cent. higher than in the latter. Labor is rewarded South better than it is North. Then ought not this fact to silence those who clamor so much and so loud about free labor and free soil?

But apart from all this, and whether this position be true or untrue, what justice is there in Congress, whose powers are given for the protection of *all*, to legislate to the injury of the whole *South*, on the pretence of benefiting the territory? What right has the common agent of the partnership to injure fifteen sovereign States, full members of the firm, even if it should benefit the common territory or property *belonging* to the firm? Nay, sir, is it not far better—more just—more patriotic—more in accordance with the genius of our institutions, to hold the territory *belonging* to the *whole* Union, and regulate it for the *benefit* of all, on terms of perfect equality, with protection to life, liberty, and property, until the time when the sovereignty of the Union may permit the formation of an independent State, and then leave it for the people to settle the question for themselves?

But, Mr. Chairman, take another view of this subject. Suppose restricting the *area* of slavery should have the effect which is desired by its friends—that of making slavery unprofitable and

dangerous, and thus coerce the South to emancipate—consider the magnitude of the evils which would be produced. You take from the South the full value of their slaves, amounting to the enormous sum of at least FIFTEEN HUNDRED MILLIONS OF DOLLARS—ruining thousands of our best citizens, who have done as much to promote the general prosperity of the country as any in the Union—reducing families, widows, and orphans to poverty, beggary, and misery. Nor is this all, by any means. But by removing the *effective police*, which every master has over the slave, they will be turned loose, unfitted for self-government, to prey upon the property, honor, and lives of the whites; and theft and robbery, rape and murder, will become the every-day crimes of that population. I speak not to alarm the fears of the timid, but to point out certain effects which must follow. The valuable productions of the country will dwindle into insignificance, as they have done in San Domingo from the same cause. Landed estates and other property must depreciate—the whites will be harassed with the degraded blacks, who will gradually sink lower and lower in the scale of civilization, until some outbreak will lead to a war between the races, to be terminated only by the expulsion or extinction of one or the other.

It is certain the negroes ought not to be, and cannot be, made voters, and invested with part of the governing power of the country; and the two races being here in the same political community, it devolves upon the whites within their jurisdiction to regulate the relation between them, consistently with the rights of private property, so as to produce the least evil and greatest good. That end, in my opinion, is best attained by slavery—making it the interest of the whites to protect and control the blacks, and thereby connecting the vigorous intellect and active energy of the white man to guide, direct, and control the physical strength of the black man, and hence resulting in comparative mutual advantage. As the two races are here, the blacks must either be supported by society, or help to support society; and the relation of master and servant, it seems to me, is best calculated to promote the interests of both.

I am told, however, that the advocates of "free soil" do not intend to abolish slavery in the States, but leave that subject to State regulation. But such a declaration cannot satisfy me, nor induce me to withdraw my opposition. The *intention* with which the proviso is urged, does not in a political sense change the *tendency* and *effect* of the act itself; and it is very evident that it must injuriously affect all slave property, and is, in fact, one of the links in the abolition chain of measures; and its tendency to produce abolition, is the main ground upon which many have adopted it and now support it. And if this measure is carried, we have no guaranty that the work of abolition will stop there—by no means. The same principle that prompted it, will urge on to other acts, never to cease until their ultimate purpose is accomplished. It is far better to contend with the enemy at the first, than when driven to the last verge of our rights.

These considerations are designed to show the impolicy and impropriety of the abolition offspring, "free soil," and the necessity of energetic constitutional resistance to its enactment. The measure can produce no possible good, but will inevitably result in much harm. Besides, sir, is not something due to the fraternal feeling which binds this Union together? We are brethren of the same political Confederacy. We all no doubt sincerely love the Union, and desire its perpetuity. We see the South deeply excited on account of wrongs which she deems *real*, and which the North deems *imaginary*. This deep feeling and excited apprehension on the part of the South, can all be removed, and harmony and kind feeling restored, without any injury or sacrifice on the part of the North. Then I ask, in the name of the Union, and in the name of the compromising spirit of our fathers who formed it, ought not the North to desist and abandon an ideal ethical dogma, which promises them no real good, but which the South regards as threatening her with ultimate destruction. Whether the fears of the South are well or ill founded, nevertheless, when we see such fearful consequences likely to result, will not the patriotism of the North yield a mere abstract opinion, for the sake of restoring harmony and kind feeling between the different sections of our Union? To the North it is a mere abstraction, to the South it is vital—it involves everything. Why should the strong needlessly irritate the weak? Is that the way to preserve the Union? But above all, and beyond every other consideration, the Constitution stands as the great bulwark to shield and protect the South in the enjoyment of her rights; and these anti-slavery schemes, if carried out, will be in derogation of the sacred guaranties of that solemn compact. The Union is formed by the Constitution. Without it, there is no Union. It is the only political bond that holds us together: and every attack made upon it is an attack upon the Union itself.

It was especially designed to protect the minority, situated as the southern States now are. The majority need no Constitution for their protection; but when they are making inroads upon the only political safeguard of the minority, it little becomes them to charge the weaker party with a design to dissolve the Union. The charge, in my opinion, is wholly unfounded. All they ask is their equal rights under the Federal compact. The *real* disunionits are those who violate the Constitution of our Union; they are responsible for all the excitement and all the dangers that surround us. I feel justified in speaking for Missouri, whose devoted attachment to the Union cannot be surpassed by any other State. She will be, as she now is, and ever has been, faithful to the Constitution, and vigilant in protecting the rights of her citizens. These duties are strictly compatible, and as such she will certainly perform them. Her vast interest in slave property amounts to at least THIRTY MILLIONS OF DOLLARS, and this would be put in jeopardy by the measures of the "*Free-Soil*" party and their accessories. The wages of her industrious citizens, who earn their living by the sweat of their brow, would be reduced by the same means to the small pittance of New England wages. The security of all other private property would be endangered by the sanction of a principle which permitted *one* kind of property to be destroyed or depreciated through the action of the General Government. Even the safety of life itself to all classes, rich or poor, without distinction, would be periled by threatening massacre, resulting from misrule, anarchy, and confusion. She therefore, for the protection of life, liberty, and property, to all her citizens—for all are deeply interested, whether they

own slaves or not—has taken her stand under the Constitution of the country, in firm opposition to free soil, by whomsoever it may be advocated or encouraged; and as one of her humble Representatives, unawed by the frowns of designing men, I shall discharge my duty faithfully, and exert every power I possess, to protect the rights, the interests, and the honor of the people of Missouri. The false and futile charge of nullification and disunion shall not drive me from my sworn duty; and in doing this, I honestly believe it is the only means of preserving the Union. We cannot, and as members of this House we *dare* not, attempt to dissolve this Union, which we have sworn to support; but we should *beware* that we do nothing that will drive the people to madness, and force them, in the agony of despair, to make use of some revolutionary remedy, and sunder the political bonds that hold us together. And should that fearful crisis ever be *forced* upon the people, the deep and withering execrations of mankind will be upon those who passed and encouraged the oppressive measures that produce it.

And now, Mr. Chairman, I will briefly call the attention of the committee to the different subdivisions into which this all-absorbing question of slavery is divided. The whole subject, with all its grades, originates in a spirit of opposition to the domestic institution of the South, and now embraces—first, the prohibition of slavery in all the territory; second, the abolition of slavery in the District of Columbia; third, the evasion of the constitutional provision for the recapture of fugitive slaves; fourth, the abolition of slavery in all southern forts, or other property belonging to the United States; and fifth, the prevention of the passage of slaves from one slaveholding State to another, either by land or water, in coasting vessels. All this is sought to be done against the earnest appeal and solemn remonstrance of the South. If consummated, she must be completely and irretrievably *ruined*. Her voice is therefore raised in defence of her dearest rights, and for the maintenance of the Union in its purity; and we would be derelict in duty, if we did not pay proper respect to it in the adjustment of this whole subject. It *ought* to be done, it *can* be done, and I still indulge the fond hope that it *will* be done. Already are favorable indications coming to us from the North. The sincere friends of constitutional Union there, not influenced by political tricksters and demagogues, but by a sense of honor and patriotism, express a desire to settle the question on principles of justice and equality to the South, and thus forever remove the unfortunate element of discord.

I have submitted a proposition by which the question, in all the territory acquired from Mexico, can be finally and definitely settled. It is, to extend the Missouri compromise of 36° 30′ due west to the Pacific ocean, excluding slavery north and allowing it south of that line, while the territorial condition remains. This proposition is made, sir, not because it is strictly just to the South, or that Congress has any certain constitutional power to make any exclusion; but it is made in the spirit of *compromise*, as the least of threatened evils—to preserve the rights of the South in *some* degree—as a *peace*-offering to save the Union from untold calamities, and to pacify the public mind on this agitating and fearful subject. As expressed by a distinguished Senator, [Mr. Berrien,] it is justified on the principle, that "the salvation of the people is the *supreme law*." It really amounts to a mere understanding, to which public opinion and actual settlement will readily conform; and under existing circumstances there is much to recommend this plan of adjustment. On a former occasion, when the Missouri controversy arose, and intense excitement on this same question pervaded the entire Union, threatening disruption and dissolution, then this compromise was adopted, and gave peace to the country, and comparative satisfaction to all. Public sentiment soon became pacified, and rational acquiescence gave it the force and efficacy of binding law. That compromise may not have been exactly right, but it was doubtless the best settlement that could then be obtained, as I believe it is *now*. And being a compromise of conflicting claims and opinions, the country has been disposed to abide by it, and regard it as forever settling the controversy between the North and South on the subject of restricting the area of slavery.

This was so well understood by every part of the country, that the same principle was applied by general consent, to the propositien for the annexation of Texas.

Then our wise statesmen were unwilling to interrupt the compromise that had been effected, and to open again for discussion this exciting and perilous subject of dispute. They treated it as finally settled, and its application to acquisitions of new territory was considered as a matter of course. Hence the extension of the same line through the territory of Texas.

Since then, New Mexico and California have been acquired, and the same reason exists, strengthened by bitter experience, for the application of that compromise to them. We should not destroy the adjustment which was effected with so much difficulty, and open afresh the wounds that endanger political existence. Rather let us adhere to it in good faith, extend the line to the Pacific, and our countrymen will cordially approve the act. When great questions which convulse the Union have once been amicably settled on terms of compromise, nothing short of imperative necessity should ever induce a departure from it.

This mode of settling the question, is also, in some degree, equitable in the division of the territory. True, it will give to the North much the largest portion, from which the slaveholder will be totally excluded; while in the residue, the North will have equal privileges with the South. The southern citizen might make some plausible complaint, though the northern citizen should be perfectly content. But when it is remembered that this proposition is in harmony with a prior compromise of the question, it seems to me that both sections of the Union should cheerfully acquiesce in it, for the sake of the peace and harmony of the whole country.

The strength of the Union depends in a great degree upon a spirit of kindness and cordiality. It should be our purpose to cultivate and diffuse that feeling; and in the adjustment of all serious controversies, special reference should be made to the means of exerting a genial influence on public sentiment. That which, under similar circumstances, has been so acceptable heretofore, will surely now receive careful and candid consideration.

But there is another reason why I feel it to be my duty to urge the adoption of the Missouri

compromise. The legislature of the State I in part represent, has passed resolutions of instruction in favor of it on two different occasions. In 1847 the following resolution was adopted:

"*Resolved*, That our Senators in the Congress of the United States are hereby instructed, and our Representatives requested, to vote in accordance with the provisions and the spirit of the said eighth section of the said act [the compromise] in all questions which may come before them in relation to the organization of new territories, or *States* out of the territory now belonging to the United States, *or which hereafter may be acquired, either by purchase, by treaty, or by conquest.*"

This resolution, *instructing* the Senators and *requesting* the representatives, is plainly and explicitly in favor of the compromise I am now advocating, and for its application, not only to territories, but also to States. Nor has this resolution ever been repealed. In 1849, the legislature declared, "that for the sake of harmony, and for the 'preservation of our Federal Union, we [they, the 'General Assembly] will *still sanction the application of the principles of the Missouri compromise to 'the recent territorial acquisitions*," &c.

The will of the State, thus clearly expressed, is strictly binding upon the Senators, and should influence all her *servants* in their political action. I shall therefore most heartily vote for the compromise, knowing it to be the will of my State, and especially my district, and believing it best calculated to restore quiet to the people, and peace and security to the Union.

It may be said by way of objection, that this compromise line will not harmonize with the geographical conformation of the territory, and consequently produce some inconvenience to the settlements.

Be this as it may, I hold the permanent good of our present Union paramount to all considerations of convenience to the territories. And besides, it is well known that the habits of society, and the customs of communities, will soon adapt themselves to the fixed rules adopted in the exigency of public necessity—so that no serious evil would be felt, and no great inconvenience experienced, even in the territories themselves; while to the Union it would be as the bow of promise in the heavens—a perpetual covenant of concord and peace.

This proposition, sir, will dispose of the whole territorial aspect of the question. Nothing will be left for future strife and contention. No demagogue can again raise the question of "*free soil.*" No political aspirant can hereafter use it as an instrument to convulse the nation, and elevate himself to power on the hypocritical cry of "*Union*," which he, himself, had endangered. All will be quiet, all will be peace, all will be harmony. But almost any other disposition which may be made of this branch of the subject, will leave something open for future difficulty. Questions will be raised concerning slavery in the territory, the admission of States, or some other matter connected with the dangerous subject. The worst passions of the human heart will again be aroused, and in a phrensied moment the torch may be applied to the beautiful fabric of republican liberty. Let us now, once and forever, prevent a recurrence of these distracting scenes, and add an additional guaranty, to the safety and perpetuity of our institutions.

But, Mr. Chairman, we should not stop with the adjustment of the territorial question. Now that the subject is up for action, every branch of it should be amicably disposed of, to the satisfaction of the parties interested. That provision of the Constitution which was intended to secure the recovery of fugitive slaves, in every part of the Union, requires additional legislation to give it full force and practical effect. When the Union was formed, this provision constituted a *sine qua non* to its formation—a *pledge* to the South, without which they never would have become parties to the compact. It was supposed to guaranty the recapture of slaves, in every non-slaveholding State, with the same facility that they could be recaptured in the slave States, and is as obligatory as any other part of the Constitution. But has that just expectation been realized? Has the South been enabled to reclaim her fugitive slaves? Has this clause of the compact been observed, and carried out in good faith? We all know the contrary. We know it has been nullified in thousands of instances by northern citizens, and the provision has become almost wholly nugatory. It is with the utmost difficulty a fugitive slave can be reclaimed after having once escaped into a non-slaveholding State. Combinations and mobs are formed to prevent the recapture. Fraud, artifice, and *force of arms* are resorted to, in order to defeat the constitutional rights of the slaveholders. Even judges of courts and sworn officers of the law, as well as State governments, have interposed obstacles, to prevent the reclamations. Living in a border State, I have occasion to know by sad experience the serious injuries growing out of a disregard of this provision of the Constitution. My neighbors, and friends, and constituents, have suffered immense losses from such Abolition depredations. It is time the necessary remedy was applied. It is time the spirit of the compact was rigidly enforced, and that protection to southern property afforded which was originally designed. A southern citizen cannot travel North with his servant, on pleasure, on business, or even to discharge his official duty as a member of Congress, without losing his property, or avoid it with the utmost difficulty. A friend of mine, under such circumstances, had his servant stolen from him, and run off, in utter disregard of the Constitution; and yet these are the men *and their aiders and abettors* who have the audacity to charge the South with disunion, while they have already abrogated one of the solemn articles of the compact, and destroyed that important safeguard to protect southern property.

The necessary remedy—to correct the evil, and give efficiency to the Constitution—is of a two-fold character. First, Congress should pass a stringent law, providing all the requisite facilities for the apprehension and delivery of fugitive slaves, and making it highly penal for any person, in any manner, to obstruct or interrupt the due execution of its provisions, with proper punishment for aiding and encouraging the escape of slaves. A law of that description is demanded by the public interests, and from present appearances I believe there is a disposition in Congress to pass it. A bill for that purpose is now pending in one branch of Congress, and I trust it will soon become the law of the land. But something more should be done. The States, who are parties to the compact of union, should see that the bond of union is duly observed within their limits. They should, therefore, pass the necessary laws to suppress these combinations and efforts to prevent the recapture of fugitive slaves. There should

be hearty coöperation on this subject between all the members of the Union. If these things were done, the Constitution would be, as its framers intended it, a shield and protection to private rights and private property; and in this connection it is proper to remark that I do not wish to be understood as charging every northern citizen with violating the Constitution on this subject—by no means. I know there are many high-minded, noble-hearted, and patriotic citizens in the non-slaveholding States, who acknowledge the obligation of the Constitution, condemn the Abolition efforts, and render praiseworthy assistance to a master in pursuit of his runaway slave. I am sorry that this commendable class is not more numerous. But there is another class, much larger than the former, who, though they would not be guilty of kidnapping, yet will do nothing to prevent it, and will give "*aid and comfort*" to the fugitive. And there is still another class, more powerful in their action than all others combined, who will resort to any and every means to steal, secrete, and run off, a slave from his master. They are the mischief-makers, who have done so much harm to the slaves, to the masters, and to the whole country. And I am sorry to add, that their power and influence are such as to exert a controlling influence in many of the States. With them, the solemn compact of the Constitution—the certain precepts of positive law—the sacred rights of private property—the holy tenets of Christianity—all are disregarded and swept away by the fell spirit of fanaticism. And yet, strange to tell, they are courted and caressed by political partisans and aspiring demagogues, until their power has become formidable, and hence has resulted the serious and crying evils of which we so justly complain.

But the passage of the laws I have indicated, if faithfully executed, will, I hope, remove this grievance, and enable us to glide on smoothly and harmoniously, as brethren of the same Government, owing allegiance to the same Constitution.

Thus far in the adjustment of the subject, *positive* action is required to do justice to the country, and to pacify the turbulent elements of discord. For the other branches of the subject, *negative* action is necessary—in other words, a settled and fixed understanding, that no efforts shall be made by Congress to abolish slavery in the District of Columbia, or in any fort or other property belonging to the United States, situated in a slave State, nor to interrupt the passage of slaves from one State to another. This is demanded to quiet the apprehensions of the South, and to give assurances of security and peace. For this purpose, let a solemn declaratory joint resolution to that effect be passed by Congress, and approved by the President. Being a part of the general plan of compromise, it will have a degree of sanctity thrown around it which will produce a great moral influence on the public mind. It is true, such a resolution would not be respected by those who disregard the Constitution. Bigoted fanatics would rail against and seek to destroy it, as they now do their fundamental law; but the great body of the people would regard it as the fixed purpose of the Government, determined on in the spirit of conciliation, to allay the fears of the South, and gradually northern sentiment would mould itself in conformity with this settled purpose.

Ours is a Government of limited and specified powers, but its practical administration depends upon the popular will. Whatever, therefore, can influence the public will, and settle it down upon a just appreciation of constitutional obligation, is of the utmost importance to the statesman who seeks his country's good. The deliberate declaration of the Government made on this subject, in connection with the adjustment of the whole controversy, to save the Union from the startling dangers that surround it, will go forth to the country in an imposing aspect, and exert an irresistible influence on the intelligent mind. The harassing agitation will grow less and less. The northern masses will discountenance the wicked incendiary; the southern citizen will feel secure under the protection of the Constitution. Peace will spread over us as a mantel, the kindly feelings of the human heart will be called into lively exercise, and brotherly love will unite us together, closer and closer, in perpetual bonds of mutual interest and fraternal regard.

Mr. Chairman, these brief hints and suggestions are made with the sincere desire of eliciting some just plan of amicable compromise. That which I have proposed is reasonable and just, and suited to the present distracted condition of the country. It will inflict no injuries upon the North, and it will calm the troubled mind of the South. The whole question will be disposed of, and no bone of contention left to disturb our peace, and excite one section of the Union against another. For these reasons I am anxious to see this plan adopted; but I am ready and willing to support any other mode of adjustment which may be more acceptable to all parties, and better calculated to promote the ends of justice, and preserve the equal rights of the members of this confederated Union. Indeed, so far as the territorial branch of the question is concerned, the Missouri compromise is not the proposition I would prefer, if I had my choice. But as concessions are necessary to effect a complete settlement—as the State of Missouri has twice instructed in favor of it—and with the hope and expectation of bringing the North and South to common ground, and silence the clamor of *free soil* in all time to come, I am ready to yield so far, and make a final and conclusive disposition of the subject on the terms I have proposed.

Mr. Chairman, a few words with reference to California. A bill is pending for her admission into the Union as a State, with the boundaries she claims, and without settling or attempting to settle, any of the other questions now agitating the public and endangering the Union on the subject of slavery. It is specially urged and advocated by the Abolitionists and Free Soilers, from the fact that slavery will be forever excluded, and thus accomplish all they desired from the Wilmot proviso. There are others, however, who will also support it, but from different considerations. Both of these classes are in favor of admitting California into the Union at once as an independent State: the first class favor it *because* slavery will be thereby excluded, and the latter favor it *notwithstanding* the exclusion. I have no desire to impugn the motives of any man's political action, but the consequences resulting from it constitute a legitimate subject of investigation.

And, sir, for one I cannot reconcile it with my sense of duty to the State of Missouri, to vote for the admission of California, with her present boundaries, under existing circumstances, and leave the other parts of this difficult and dangerous subject unadjusted and unsettled. But I wish it distinctly understood that I do not oppose California, or the admission of any other State, from the mere fact that the people thereof decide against the institution of domestic slavery. Every sovereign State is entitled to determine that question for herself. The sovereign people are the best judges of their own wants and their own interests; and so far as Congress is concerned, my choice and preferred principle is *non intervention*, to be carried out in its true spirit and honest understanding. At the same time it must be *actual* and *real* non-intervention, and not merely *pretended* and *nominal*, to conceal and cover up the truth, and gild over the schemes of the Abolitionists. I understand the doctrine of non-intervention to mean *the entire absence of any extraneous influence or consideration, to sway, warp, direct, or control the judgment or action of the people, with reference to the subject of slavery—that they shall be left*

to their own choice and own discretion to determine the question on its merits. This was the view taken of it in the canvass of 1848, by the Democratic party, and by General Cass, their candidate for the presidency. In that sense, I have always been in favor of it, and am so yet.

But, sir, has not non-intervention, as thus understood, been applied to California? Have the people there been left perfectly free to choose or refuse slavery, and influenced alone by their own inclination? To answer these inquiries, let the facts be adduced and carefully considered.

During the session of Congress in 18 8, propositions were repeatedly made to give governments to California, and the other territory, without any provision in regard to slavery, leaving that subject to be determined by the people according to their own will and pleasure; and that mode was called *non-intervention.* It was pressed again and again, but was as often rejected by the majority—thus declaring to the territories and to the world that Congress would not recognize the principle of non-intervention. The same Congress *refused* to give any government or protection to the territories, unless connected with the Wilmot proviso, excluding slavery and prohibiting the territories from settling it for themselves. All this is fresh in the recollection of members now present. The House of Representatives on several occasions passed the Wilmot proviso, and it was ultimately sanctioned by the Senate in consequence of the defection of a Senator from my own State. From these facts it was evident no government could be obtained for the territories, *in the then state of things*, without a positive enactment excluding slavery. Nor is this all. Most of the northern State Legislatures had declared against the admission of any more slave States. The same thing had been done by northern politicians, public speakers, mass meetings, and societies, evincing a fixed purpose and unalterable determination to oppose the principle of non-intervention, and compel the insertion of a provision forever excluding slavery.

Now, when the convention assembled in California, these facts were all before them. They saw that Congress had repudiated the doctrine of non intervention; that Congress had refused to trust the decision of the question to the discretion of the territory; that Congress had shown a settled determination to exclude slavery therefrom; that the northern States and northern presses, and northern feeling, were resolved to prevent the admission of any more slave States; that the majority in Congress were determined on the same course; and seeing this, they knew that the only possible chance to be admitted into the Union as a State was, to prohibit slavery therein. The force of necessity, growing out of the action of this body, *compelled* them to prohibit slavery. They believed it was the only means of obtaining a government. That belief was predicated on the prior action of the Free-Soil majority here. The question actually before them was a *government excluding slavery*, or *no government at all.* Under these circumstances, they decided, and that decision is now before us But can that be called *non-intervention?* Were they at liberty to exercise their discretion on the subject? Could they expect to be admitted as readily *with* as *without* slavery? No, sir; no. There was a manifest *compulsion* operating upon them; and to call such a decision voluntary, and the result of *non-intervention*, is as contradictory as to say a man parted with his leg from *choice*, when, in point of fact, you had wounded it, and caused it to fester, and inflame, and mortify, until amputation became necessary to save life.

Sir, in this connection there is another fact worthy of consideration. When the proposition to exclude slavery was pending before the convention of California, the propriety of submitting that question to the direct vote of the people, in a separate article, was suggested, and yet the convention did not permit it to be done. They would not trust the question *to the people.* They placed the whole constitution as a unit before them, and compelled them to vote for it, including the prohibition of slavery, or against the whole, which would have left them without government and without protection. Hence, the people themselves have never had an opportunity to determine this question, as free moral agents. Constraint and coercion are exhibited throughout the whole proceedings. On a question so important and so delicate, it was certainly due to the people of the territory, as well as the whole Union, that it should have been submitted as a single question to a direct decision of the qualified electors. And not only so, but the whole structure of the fundamental law should have been left to those who, in a correct sense, are *citizens*, domiciled there, and who are to live under the constitution after its adoption. It is well known that a very large number of those who participated in that movement are still citizens of other States of the Union. They left their families in the States, at their permanent homes, and went to California for a *temporary purpose;* and it is not just for them to shape the institutions of a government under which they are not to live. It is contrary to the well-established principle of *self-government.* The *permanent* citizens of a country should govern it, and not strangers and adventurers, however worthy, who happen to be within its limits. And if it would be an arbitrary act for Congress to interfere in such cases, it would certainly be equally objectionable for citizens of other States, after failing to get Congress to do so, to interfere and accomplish the same thing. And what right had the Executive to advise the erection of a State, when Congress had *refused* to pass a law authorizing the same thing? The Executive advises, encourages, and accomplishes what Congress had refused to permit! And with all this evidence before me, I am to be told that it is the quintessence of non-intervention! Sir, the case is quite anomalous and most extraordinary.

But, to test the sincerity of gentlemen, and to bring about a correct understanding of each other's conduct, I will submit a proposition. Let us organize territorial governments for New Mexico, for Deseret, and for California, authorizing the latter to form a constitution just as they may please, provided it be republican, and guarantying her admission into the Union. How many gentlemen present would vote for that proposition? How many of those who pretend to be in favor of non-intervention would support a proposition, which is such in point of fact, and which would submit the question exclusively to the people? No trouble or inconvenience would arise from it. The people would be protected, and society more settled, and better prepared to frame their fundamental law. They would then come into the Union in the regular way, they would settle the question for themselves, under the assurance that they had their choice; and practical non-intervention would be carried out. This disposition of the subject would pacify the South, and it could not possibly operate to the injury of any section of the Union. And surely the North should be satisfied with it; for they have already, by keeping up the agitation, kept the slaveholders from going to California, and the Free Soilers are now exulting at having accomplished that much of their unjust scheme.

Another objection to the admission of California at this time is, the unreasonable boundary she claims. The subject of boundaries for a new State, falls appropriately within the duty of Congress. California claims the whole Pacific coast, from Oregon to the Mexican line, making about nine hundred miles of coast line, and nearly equal, in degrees of latitude, to the distance from Galena to Natchez. This is too long for one single State, and should be curtailed by us to some reasonable length. I have, therefore, submitted an amendment, to make the southern boundary of California the line of 35° 30′ north latitude, leaving sufficient territory south of that line for another excellent State. This amendment is offered in obedience to the instructions of the State of Missouri, to whom I am under so many obligations for past favors, and whose expressed will it affords me a pleasure to obey. She has instructed her Senators and requested her Representatives to vote for the application of the line of 36° 30′ *to the organization of territories* or *States.* The instruction is obligatory upon the Senators, and I will not disregard the request. It is just and proper in itself, and will make an equitable division of the territory. California will still be left sufficiently large for a State, and will still be nearly *twice* the size of Missouri. And if this amendment is rejected, and the voice of Missouri in favor of it unheeded, and if no satisfactory adjustment is made of the whole question, I shall be constrained to vote against her admission into the Union. With such a vast extent of territorial limits, and with her rich resources, she would become too large in population, and overwhelming in her influence, for the safety and equality of the States. And especially would it be unsafe and dangerous to the South to bring into the Union such a State, to have the weight of her influence thrown in the scale against her, while any important part of the delicate and difficult question of slavery remains unsettled, and subject to free-soil aggressions. If the North refuse to do us justice now, we could not expect anything better after their strength had become increased. If they refuse to settle the question on living terms at this time, how can we hope for it when they shall have obtained additional power? If she is not deaf to the voice of justice and constitutional right, the entire question can now be finally and amicably disposed of; and if she is deaf, why should we seek to add to her power of oppression. A refusal to give us a fair settlement to secure our property, should satisfy the most incredulous, that the design is to carry on the unnatural warfare until the whole system of anti-slavery aggression shall be fully consummated. Why so much anxiety to admit California under these circumstances? It does not settle the present controversy. It does not promise us peace. Why not establish a good territorial government without the Wilmot proviso, to continue until the population shall become *harmonized* in the order of society, and then permit the formation of a State government, with proper boundaries, on the true principles of non-intervention? It is contended, however, that California cannot be remanded to the territorial condition, and to support that argument we are referred to the Missouri controversy. Gentlemen overlook the fact that California is yet a territory, and not an independent State; and that *no remanding* is necessary. Missour was an independent State, *formed in compliance with a law of Congress authorizing it.* She consequently could not be remanded. Not so with California. She is not yet a State, and never can become one, without the consent of Congress, except by revolution for separate independence as a nation. There is no analogy in the two cases. There is not the first point of resemblance between them. They are wholly dissimilar in facts, principles, and attending circumstances. The one was a *State*, the other is not; the one was formed by consent of Congress, the other is an attempt at formation notwithstanding the *refusal* of such consent; the one was created

in the regular, legal way; the other by dangerous usurpation. The *sovereignty* of the territory is certainly vested in the United States, and no independent State can be formed therein without the consent of the *supreme sovereignty*, or by revolution establishing an independent nation. Congress can only admit into the Union sovereign, independent States, and cannot compel them to apply for admission. It is, and must be, purely a voluntary application on their part. Now, if the Cherokee Indians, or any other people living in the territory of the United States, can create an independent State when they please, and do not ask to be admitted into the Union, the jurisdiction of the United States may be ousted at any time, and the tenure by which the territories are held, is very precarious, indeed. Sir, the position, that States may be created without and *against* the consent of Congress, will not bear the test of close investigation. It is inconsistent with the nature of the relation existing between the territory and our Government. But when the people do form a State government, they have the undoubted right to shape their institutions according to their own will and pleasure, and cases might arise when they would be justified in resorting to the revolutionary right, and act without the consent of Congress; but still it would be a revolution, and not the exercise of a *constitutional privilege*. California, then, not being an independent State, has no right to insist upon admission. But notwithstanding all these valid objections, I am, nevertheless, willing to vote for her admission, with suitable boundaries, provided we can also make a final adjustment of the subject of dispute on satisfactory terms. For the lasting good of the Union, I will forego objections which, under other circumstances, should justify her rejection; and I would feel authorized to do so from this consideration. Though the pretended constitution of California is an illegitimate off-spring of usurped power, yet we could now legalize the act by giving a consent which would afterward be construed, on the principle of presumption, to apply to the time of its formation. Then the State could be admitted into the Union, and these two acts might even be contemporaneous in point of time. But this extraordinary proceeding should never be tolerated, except in cases of extreme necessity. A full and harmonious settlement of the whole slave question would be such a case of necessity. Without such settlement, we could not be justified in ratifying the illegal acts of California. It would be regarded by the Abolitionists and Free Soilers, all of whom *without exception*, support it as a complete triumph; and it would irritate and weaken the South, and increase the embarrassments which already surround this most difficult and dangerous of all other subjects.

Mr. Chairman, I have now given, with as much brevity as possible, my honest convictions with regard to the means by which constitutional union can be preserved, and the equal rights of the States maintained. I have purposely omitted the investigation of the legal questions concerning the Mexican laws in the territory, and the want of power under the Constitution to exclude any kind of property from the public domain. These I may take occasion to examine at some future time, but for the present I have confined myself to the practical plans of satisfactory adjustment. The safety of the Republic is too important to neglect any opportunity of rendering it our best service. The lasting good of the Union is above all price. Strict adherence to the spirit of the constitutional compact, and the cultivation and practice of social and political attachment, are the only means of insuring its perpetuation.

Gentlemen are vieing with each other in their professions of love and regard for the Union. To sing its praises, and laud its glories, are the constant efforts of eloquent members. The progress of the past, the benefits of the present, and the bright anticipations of the future, are all painted in glowing colors with a master's hand. Of this I complain not; it meets with a hearty response in my own bosom. But I want something more than professions of regard. I desire the certain evidence afforded by practical action. "Faith, without works is dead," and laudations of the Union, without corresponding efforts to preserve it, are but as "the sounding brass and tinkling cymbal." Let us, then, come up to the work in the true spirit of patriotism. We must condemn and remove the cause which has brought us to this deplorable condition. That cause is the slavery agitation. It has been raised and fostered at the North, and urged upon Congress in its various shapes. But for this, the South would be satisfied. They ask for nothing, and emplore to be let alone. How easy, then to pacify the country, and avert the present danger. How easy to save the Union, if gentlemen love it as much as they pretend. Let them but cease their attacks upon southern rights--let them respect the Constitution, as it was construed and administered in the earlier days of the Republic—let them abstain from wanton insult and reckless irritation—let them treat us as brethren and as equals, and all will yet be well; peace and tranquility will again be restored. And will not this *Union loving* people do that much for the sake of the Union? The South are perfectly content with the Constitution as it is, and as it came from the hands of our revolutionary fathers; but having become alarmed at the fearful assaults made upon their rights, they now insist upon a full, fair, and complete settlement of the whole subject of dispute. If they are to remain as *equals* under the Federal compact, they desire to know it now—if they are to be degraded step by step to the abject condition of vassalage, they wish to be informed of it at once. Surely, if personal and party considerations be all discarded, and the country's weal alone considered, we can arrive at some common understanding, which will soothe and conciliate the troubled mind of the people. Threats can neither intimidate the South nor the North, and supplication is not the language of freemen. A returning sense of justice is my whole reliance in this trying emergency; and I sincerely hope, that in all our efforts to dispose of this question in a just, amicable, and satisfactory manner, we will invoke a spirit of kindness and good will, ever remembering that harmony is the beauty and strength of all institutions, but more particularly ours.

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SPEECH

OF

HON. HANNIBAL HAMLIN, OF MAINE,

ON THE PROPOSITION

TO ADMIT CALIFORNIA AS A STATE INTO THE UNION.

DELIVERED

IN THE SENATE OF THE UNITED STATES, MARCH 5, 1850.

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1850.

ADMISSION OF CALIFORNIA AS A STATE.

Mr. HAMLIN said:

Mr. PRESIDENT: You and the Senators present are fully sensible that I have rarely trespassed upon the patience of the Senate. But for the extraordinary character of the proceedings of this body—but for the unparalleled opposition which has been offered, in this incipient stage, to the admission of another sovereign State into this Union—I should have remained silent. But from a sense of duty to those citizens who have gone from the State, which it is my duty in part here to represent, into that distant country, and who have gone there to make it their home in future life—a duty which I owe to the people who inhabit that territory—I should have remained still silent. The question before us is on referring the message of the President, accompanying the constitution of California, to its appropriate committee. I would myself have preferred to have met the discussion of this question upon a bill, after it should have been reported by a committee. In my opinion, such a course would have been more pertinent—more appropriate. The Senate, however, have deemed it expedient to pursue a different course. The whole merits, upon this question of reference, have been open and discussed; and every view which could properly pertain to the question of the admission of California as a State, has been entered into by Senators upon this preliminary question of reference to a committee. Under the direction which Senators have seen fit to give it, I have sought this occasion to give the reasons why I shall favor the admission of that State into this Union, as one of its sovereign and independent States. In this discussion, the whole broad field has been opened—slavery in all its forms, the question relating to the formation of territorial governments, the question of the boundary of Texas, the question of the restoration of fugitive slaves, and every other question conceivable, and almost inconceivable, connected with them, have been permitted to mingle in the discussion of this body. Sir, with all these questions, I have nothing to do; with all these questions, upon the proposition which is now submitted to us, I have nothing to say. Let them bide their time; and when they shall properly and pertinently come before the Senate, then, if I shall deem it expedient, I may have something to say upon some of those measures. The question of slavery in the territories, or slavery in the States, has no connection with the admission of California—it should have had no connection with it, in my humble judgment, in our discussion here. What are, or what are not, the boundaries of Texas, has as little to do with the question which is directly before us. Nor has the subject of territorial governments any more connection wtth the admission of California than these other questions I have named.

When these questions are legitimately submitted to us, I shall be ready to act upon them. Let the question of slavery in the territories be settled according to the spirit of the Constitution, and the previous action of the Government, and let us deal with Texas, in reducing her boundaries—one of these sovereign States—justly; ay, if you please, generously; but let these matters be discussed and settled where they appropriately belong; and let not the admission of California, as a State, here be either retarded in its progress, or finally prevented by them.

The people of California ask no entangling alliances with these or any other questions. They ask the aid of no fortuitous circumstances not directly connected with them. They ask not to be affected by any circumstances calculated to retard or defeat them. Let each question depend upon itself, and let each issue be met in its proper and appropriate manner.

I am happy, Mr. President, to know, that in expressing this opinion, it is but a concurrence in opinions which have been expressed by the oldest and the ablest Senators upon both sides of this chamber. This, then, being the view which I take upon this question, I am decidedly in favor of the amendment which has been offered by the Senator from Missouri, [Mr. BENTON,] that this question shall be referred to the appropriate committee—that it shall there be considered and reported back, disconnected with any and every other subject. When it shall come back, then will be the time for us to give our final action, although the discussion of the question has been entered into in this preliminary stage. Let each stand upon its own merits, or fail for the want of merit. The maxim of Tacitus—*par negotiis, neque supra*—is as true now as when it was uttered.

But, sir, in passing along, while I have no disposition to connect any subject which is not properly connected with California, I may be permitted to make a single remark or two, in relation to what we have so often witnessed and heard in this hall. I allude to that cry of Disunion! disunion! which has so often resounded in our ears. Sir, I have no eulogiums to pronounce upon this Union. It furnishes its own best eulogy. The progress

of art, of science, of literature, and of everything that serves to elevate a people; its impress upon our arts and our arms; the respect which our flag commands in every portion of the habitable globe; the busy hum of thrift and enterprise that comes up from the marts and market places of twenty millions of people, speak a more noble eulogy than I could pronounce, were I disposed to eulogize it here. Sir, all these things pronounce its greatness, its glory, and its grandeur. I would rather, sir, that my acts as a Senator, and the acts of the people whom I represent, should speak their devotion to that Union which was formed by the wisdom of our fathers, and which shall be perpetuated by us.

Sir, there is one other matter to which I wish to refer in this connection. I allude to that state of alarm which has been created here by Senators in speeches of an extraordinary character, or elsewhere by the public press, or by the aid of such stage machinery as could be put in motion. Sir, there is a method in all this madness. No man can doubt the design which it is attempted to accomplish, by first alarming the public mind, and producing through that alarm those results which are desired. I feel that I owe it, sir, to myself, and to those who sent me here, to declare that from all the investigation which I have been able to bestow upon this subject, and from all the evidence which I have been able to obtain from everything which I can see and hear, this so much talked-of alarm is entirely unfounded and factitious. There need be no alarm. There is no cause for real alarm; and none should be created by unnecessary fear.

"Fear admitted into public councils betrays like treason."

We, in the non-slaveholding States, are determined that there shall be no cause for disturbing the harmony of the States; and we are equally confident that the sound sense and patriotism of the people of all the States, will determine that there shall be no disunion. We once had in that section of the Union from which I come, a class of men who were known to be disunionists. Those who shall pattern after their example (and there are some) must occupy the same page of history which they have occupied. There is no real alarm—there is no cause or fear of disunion. I have never felt the slightest alarm at any time, and I think we can all now see that the bubble has burst. This Union will stand as a monument of grandeur, and glory, and greatness, long, long after every Senator here shall have crumbled into dust. The affections of our people will cling to it, and sustain it, in spite of the madness of party and of politicians. The true question, then, Mr. President, when separated from all these extraneous matters which have been forced into this discussion, is, whether another star shall be added to our flag—another sister to our Union? We must come to this, the only real question before us; and in considering it, I propose to examine—first, the right of the people of California to form the constitution which they have presented to us; and, secondly, having the right to form that constitution, have they so exercised it, that we, in the discharge of our duty, should admit them as another of the States of this Confederacy? The Constitution of the United States, in article 4, section 3, declares that

"New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress."

Under this clause of the Constitution, the simple question of the admission of a State is the one which we are to decide. Congress cannot *create* a State. It is not within the power or jurisdiction of Congress to create a State. In this day, sir, I have learned to be surprised at no opinion. It has been called the age of progress. So great has been that progress, and so various are the opinions which have been expressed, that I have long since ceased to be surprised at the expression of any opinion. But whoever has examined the debates of the Convention which formed our Constitution, cannot doubt that the question of the formation or erection of new States by Congress, was one which never entered into the minds or thoughts of the men who constituted that Convention. The only territory then belonging to the Government of the United States was that which was covered by the ordinance of 1787. That ordinance itself provided the mode and manner in which new States should be erected from it and admitted into this Union. The Constitution is silent as to any power to create a State. The Convention that framed the Constitution did not consider any proposition of that sort. It clearly never entered the minds of that body, to insert any provision for creating new States. Mr. Madison, in the 43d number of the Federalist, expressly states, "that 'the eventual establishment of new States, seems 'to have been overlooked by the framers of that 'instrument."

It was only at the last session of Congress, that a proposition was made to admit California—the whole of California—as one State, and the whole matter was referred to the Committee on the Judiciary. Upon that question, the learned Senator from Georgia [Mr. BERRIEN] made a report, and upon this very question—this very power of Congress to create new States. I read from that report:

"The power conferred by the Constitution on Congress is, to admit new States, not to create them. According to the theory of our Government, the creation of a State is an act of popular sovereignty, not of ordinary legislation. It is by the will of the people, of whom the State is composed, assembled in convention, that it is created."

That doctrine, I believe, met with the approbation of nearly the whole Senate. It certainly is a doctrine to which I fully subscribe—it is the doctrine of the Constitution.

Mr. BERRIEN, (interposing.) Is it the purpose of the Senator to deduce from that report the inference, that it was the opinion of the Judiciary Committee that it belonged to the Territories, without the sanction of Congress, to erect themselves into States? If so, he misunderstands that report. The sovereignties, in the view of that committee, only become incipient with the authorization of Congress to form a Constitution. When that authorization is obtained, then, and not until then, the territory can proceed to act in the erection of a State and the formation of a government and constitution.

Mr. HAMLIN. I do not think that there was any necessity for the honorable Senator from Georgia to interrupt me. I speak in all kindness. I was not speaking of the power of the Territory to erect a Territorial or a State government, whether authorized to do so by Congress or not, but of

the power of Congress to create a State government. I quoted the report made by the Senator from Georgia, for that and for no other purpose; but, taking the language of that report, I must be permitted to declare, that I find in it no such explanation as that which the Senator has just now seen fit to give us. It is the undoubted right of the Senator from Georgia to make whatever explanation he may now deem fit; but the report itself nowhere affirms or denies the power of the people of the territories to erect themselves into a State, without the previous assent of Congress; nor does it claim that such assent must be given. That belongs to the explanation of the Senator from Georgia.

Mr. BERRIEN. That was not the question before the committee. It was, whether an unauthorized body could erect a State?

Mr. HAMLIN. That report has been quoted for the purpose I have already stated; but I propose to inquire into the very point which the Senator from Georgia has suggested in his interruption.

My first proposition is, that Congress has not the power to create a State. My second one is, that the people of this territory have. Congress having failed to make a territorial government for the people of that territory, it is clearly within the power of the people inhabiting that territory to create a State government, as they have done, and to present their constitution here, and ask to be admitted into this Union as one of the sovereign States. They are the persons who are to act, not us; they are the persons more directly interested, and who have this power. We have none. California has acted from right as well as from necessity. The people of that territory, I hold, have first the right, and, secondly, under that right, there was a necessity for exercising it. We have been told, within these halls, that we have no power to create a territorial government. That is one doctrine. Another is, now, that the people of the territory have no power to erect themselves into a State. Taking both propositions, and presenting them to the people of the territory, in what manner are they to institute a government, or in what manner are they to become a part of this Union? We speak, sir, in just praise of the character of our country—its influence upon other nations and other people; but, to my mind, there is no one single feature in all our government, or in its history, better calculated to spread abroad its true character—there is no one incident in the whole history of our people, or our government, of which we may be more justly proud, than the institution of this government in California, among a people assembled from every State of this Union, virtually without law. And when it was declared that the bowie-knife and the revolver would be the common law of the land, they, in obedience to the institutions under which they had been taught to understand that they were a responsible part—in obedience to those lessons of civil government and the rights of man which they had learned while citizens of the States—they assembled themselves together, and from that necessity which existed, erected themselves into a State. It is one of the finest features of our government. No other people upon the face of this globe, thus brought together, save those who have been educated in our States, and who have been made to know and feel that they constituted a part of the State itself, would have ever thus formed themselves, as have the people of California, into a State. Without that education and training which they have received in the various States from which they went, it would have been true that the revolver and the bowie-knife would have been the common law of that land. It is, indeed, a sublime spectacle, to witness the order and deportment of that people. It should excite a just pride in every breast, and produce a living faith in the capacity of man for self-government.

Now, sir, I hold that the people of that territory have, by the law of nature—by that law which God gave man—a right to form themselves into a government, for the protection of life, liberty, and the pursuit of happiness. Our Government is based upon that right; its foundations are laid deep and broad upon that principle. It was in the assertion of that right—the right of the people to self-government—the right to institute a government to suit themselves—a government which should protect them in their lives, their liberty, and their property—it was in the recognition of that principle—that the first blood of the Revolution fertilized the soil of Lexington. It was in recognition of that principle that the Declaration of 1776 was signed. It was in recognition of that very principle that our Government, great, and broad, and extensive as it is, was reared; and it is by the recognition of that principle that it is at this day sustained. Sir, allow me to read from the chart of our liberties, the Declaration of Independence:

"We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

It is too late in this day to controvert or to deny these doctrines. So strongly have these principles been cherished in the hearts of our people, that in almost every State in this Union, they have been incorporated as the fundamental principles of the State. The Senator from Alabama, [Mr. CLEMENS,] the other day, if I understood him right, controverted and denied these propositions. Allow me to read, sir, from the constitution of Alabama:

"All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and therefore they have, at all times, an inalienable and indefeasible right to alter, reform, or *abolish* their form of government, in such manner as they may think expedient."—*Constitution of Alabama.*

I will also read from the constitutions of Arkansas and Maine brief extracts:

"That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of these ends, they have, at all times, an unqualified right to alter, reform, or abolish their government, in such manner as they think proper."—*Constitution of Arkansas.*

"All power is inherent in the people; all free governments are founded in their authority, and instituted for their benefit. They have, therefore, an inalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it."—*Constitution of Maine.*

Massachusetts, New Hampshire, Vermont, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Kentucky, Tennessee, Ohio, Indiana, Mississippi, Illinois, Michigan, Florida, Wisconsin, Iowa, and other States, *affirm* the same *sovereign* and *unlimited* capacity of the people to form their constitutions. Now, we are told that the people of California, having been denied by Congress any government, have no right to erect themselves into a State. The right of the people to form a State, in such a case, is a proposition which I do not see fit to argue. It is a proposition which I am not disposed to discuss; it is too well established, and the argument would certainly add nothing to, if it did not weaken, the proposition. I prefer rather to give authorities and precedents.

But we must not forget that Oregon, the other sister territory upon the Pacific slope, proceeded precisely in the same course, in relation to her early organization. She formed, under the right which the law of nature and of nature's God gave to her, a government, until it was deemed proper and expedient for this Government to extend to her a territorial organization, and throwing the burden of that organization upon the General Government.

My friend from Iowa [Mr. DODGE] would tell you, that in the early settlement of that country, precisely similar governments existed, and that penalties of death were inflicted by the government which they themselves created, long ere the Government of the United States had thrown its shield and protection, in the form of a territorial government, over that country. It is but the law of right, it is but the law of necessity, which compels men, when they are thus thrown together, in any country without law, to associate themselves together for common benefit, for common protection, and for common defense. Sir, the people of California had that power, and they have exercised it. It is the exercise of a right which they properly possess; it is but the exercise of that right which has been exercised by nearly all the territories and all the States of this Union. Under the exercise of that right, they have come here, and presented to us their constitution for admission.

But I could go still further. I could quote from the most eminent statesmen in the land. I could quote from the most learned jurists that our country ever produced. There is a concurrence of opinion of statesmen, of politicians, of jurists, upon this point. I can find hardly a dissenting opinion until this latter day—in this day of progress—when a few individuals have attempted to controvert the position, and to deny the doctrines of the Declaration of Independence. With such doctrines, sir, I have no sympathy, and in such opinion, I have no belief.

I will quote one single opinion from Justice Patterson, one of the justices of the Supreme Court of the United States:

"The Constitution is a form of government delineated by the mighty hand of the people. It is paramount to the will of the legislature, and is liable only to be revoked or altered by those who made it."

Now, it was in accordance with this very authority, in accordance with this very right, that the people of California have acted in the formation of their government. It is said, I know, that there has been Executive interference. Now, sir, I have no lance to break here in the Senate in defence of the Executive. Its champions on this floor will be found on the other side of the chamber. And while I have no defence to make for the Executive, I have no reproaches to cast upon it, when it shall have done only its legitimate duty. As to what is really the true state of the case, I believe we are all in doubt. The evidence which has been submitted to us is yet with the printer. I have been unable to learn precisely the character of the acts of this or of the past Administration; but so far as I am authorized to judge by the declarations of General Riley himself, the inference might well be drawn, that it was under the direction of the late, as well as the present Administration, that he saw fit to act so far as he has acted in the formation of that government.

Mr. KING, (in his seat.) Not at all.

Mr. HAMLIN. The Senator from Alabama says not at all. I say again, so far as the language used by General Riley is concerned, we might be justified in drawing the inference, that whatever instructions he might have received, were received under the late, and not the present, Administration. I say so, because I find this language used in the proclamation of General Riley:

"The method here indicated to attain what is desired by all, viz., a more perfect political organization, is deemed the most direct and safe that can be adopted, and one fully authorized by law. It is the course advised by the President, and by the Secretaries of State and of War of the United States, and is calculated to avoid the innumerable evils which must necessarily result from any attempt at illegal local legislation. It is therefore hoped, that it will meet the approbation of the people of California, and that all good citizens will unite in carrying it into execution."

Now, sir, that proclamation was issued by General Riley upon the 3d day of June, 1849. I learn in the correspondence of Thomas Butler King, and from other sources, that on his first arrival in California, subsequent to the inauguration of the present Chief Magistrate, he met this proclamation by General Riley one day subsequent to that upon which it was issued; or, in other words, that Mr. T. Butler King was the first individual who arrived at California after the inauguration of President Taylor; consequently, there could have been no such information as that to which General Riley could have referred as coming from the present Administration. I am aware that both Mr. Buchanan and Mr. Marcy, (late Secretaries of Departments,) in this morning's paper, deny clearly and unqualifiedly that any orders were issued under either of these several departments, justifying the inference which General Riley draws. What the orders were which were issued from that department, remains for us to see when they shall be printed. They are not yet printed. It is enough for me to say, that the case stands thus: General Riley claims to have drawn from those instructions this authority or these directions. The Secretaries, upon the other hand, declare to us that no such instructions were issued. We are bound to believe, as I myself most fully believe, that no such instructions were issued, as intending to give to General Riley power or authority to draw such deductions from them as he he has drawn. The instructions are in our possession; and when they shall have been printed, we shall know precisely what they are. I have already stated that I have been unable to learn precisely what they were; but it is enough for me to say, that General Riley, if

he acted under any instructions, acted under some other than those of the present Administration. If you take his word for it.——

Mr. KING. Will the Senator allow me to interrupt him? I am sorry to do so, but the tenor of his speech would lead me to believe that the late Administration, through the Secretary of State, or of the War Department, had given such instructions to General Riley as authorized him to act as he has done. Now, we have in our possession—though it is true that the papers have been sent to the printer—a letter of the Secretary of State, Mr. Buchanan, in which he expressly advises the people of California to remain under the laws then in force, to wit, the Mexican laws—to get along as well as they can, until Congress shall see fit to give them a territorial government. Mr. Marcy's instruction is of the same description.

We have more, sir. General Persifer Smith's statement is to this effect, whatever Mr. T. Butler King may state: That the first steamer that arrived after the adjournment of Congress, brought the information that no action had taken place on the part of Congress, giving a territorial government; in consequence of which, General Riley took the step he has. Now, if that was the first arrival which took out Mr. King, the statement of Gen. Persifer Smith conflicts with that of Thomas Butler King.

Mr. DOWNS. If the Senator will pardon me, I will state what I understood to be the fact. The fact was, I believe, that Mr. King arrived in the first steamer sent by order of the Government to San Francisco. But before that, a steamer had arrived at that place, and it was that one which took out the first news that Congress had adjourned without action; and, on the reception of that news, as I am told by the Senator elect from California, General Riley issued his proclamation.

Mr. HAMLIN. I have only stated what I repeat again. I made no charge against the late Administration, even if the matter were precisely as Mr. Riley says he understood it. I only say that Mr. Riley has drawn that deduction from the instructions which he received. That is all I need say—all that I am justified in saying. That I think is clearly evident from the fact, that this proclamation of Gen. Riley, dated on the 3d of June, was issued at an earlier date than any instruction could have reached him from the present Administration. That there were any such instructions, I do not pretend to say—I have never said. On the other hand, I have already stated that we have the authority of Mr. Buchanan and Mr. Marcy for saying that no such instructions were issued, let the instructions be what they may. It was only from these instructions that General Riley has drawn his deductions. It is for him to answer, not for me. Whether he has drawn them properly or improperly, I do not undertake to say. But had the late Administration seen fit to have instructed Gen. Riley to aid the people in the formation of a Government there, leaving the people to act perfectly free, I would not have complained, but would have justified it.

But there is one other point in this matter. Objections against the action of the people of the territory, are raised upon this side of the chamber by another class of individuals, who say, as I understand, that there may have been a merely "suggestive influence" on the part of the present Administration. Now, whatever may or not have been the influence of this Administration, I have nothing to say about it. But, granting that it is precisely as those who raise the objection state, that there has been a "suggestive influence" used by the present Administration in relation to the formation of this government, and that "suggestive influence" from this Administration was, that the people possessed the power, and that they should organize themselves into a government and seek admission as a State, who are they that make these objections? Sir, they are men who are precluded by the record from raising them here. The Senator from Wisconsin, [Mr. WALKER,] very near the last day of the last session of Congress, offered an amendment to the appropriation bill, conferring full and plenary, not to say despotic, power upon the President of the United States, authorizing him to establish *all rules* and *regulations* necessary for the government of that territory. I did not vote for that amendment. I did not believe it was justifiable. Those who voted to put into the hands of the President full and plenary, not to say despotic, power, certainly cannot turn round now, and say that the people of California are to be kept out of this Union, simply because they acted under a merely "suggestive influence" of the Executive. Senators who voted, as the record shows, for conferring full and plenary powers upon the President, authorizing him to adopt any rules and regulations necessary for the government of that territory, I say have no right to accuse the Executive of exercising the merely "suggestive influence" which he may have exerted there. They have no right to complain of the influence of that suggestion. If the President has conducted himself improperly—if he has gone beyond the scope and power of the Constitution—they may arraign him, and others may defend him—I will not. But if I vote to put full powers into the hands of any man, and if, subsequently, he exercises a suggestive influence, I am the last man on earth to complain of that influence, thus exercised, although I may complain of the man thus exercising it. The thing itself they have no right to complain of, though they may complain of the President for doing it, and his friends on the other side of the chamber may defend him.

Mr. WALKER, (interposing.) If the Senator pleases, I will remark, that it has been so often repeated that my amendment gave plenary, if not despotic, power to the President, that it is, perhaps, necessary for me to say, that the amendment, properly read and understood, will not warrant such a conclusion.

Mr. HAMLIN. I will read that part of the Senator's amendment on which I have been commenting:

"The President of the United States is hereby authorized to prescribe and establish all proper and needful rules and regulations (in conformity with the Constitution of the United States) for the enforcement of said laws in said territory, and for the preservation of order and tranquillity, and the establishment of justice therein; and from time to time to modify or change the said rules and regulations in such manner as may seem to him discreet and proper, and to establish, temporarily, such divisions, districts, posts, offices, and all arrangements proper for the execution of said laws."

Mr. WALKER. The Senator will find that the Executive is limited to a "conformity with

the Constitution of the United States, and with said laws."

Mr. HAMLIN. Precisely: I so understand it. I did not understand, that the Senator designed to travel outside of the provisions of the Constitution; but I did understand, that the power which was to be conferred upon the President by that amendment, was to establish such needful rules and regulations, in conformity with the Constitution of the United States, as he should deem fit and proper, making him not only the Executive, but Legislative, power to that Government—giving him plenary power, within certain limits, to do just what he pleased.

What were "proper and needful rules and regulations?" The President was made the sole judge; it was placing a discretionary power in his hands, and did authorize him to determine, by his own will and judgment, what rules and regulations should govern that territory. Yet men who voted for this, are alarmed at a "suggestive influence" now.

But, sir, in relation to this interference of the Executive with the people of California, I wish to say a single word. That there has been any interference by the Executive of any Administration, which would materially change, or in any material sense affect, the action of that people, I do not believe. They have acted upon their own responsibility, and in conformity with their rights. They have so acted as has pleased themselves, and no other power. What is the history of this matter? Some time before the proclamation of General Riley was issued, the people in their primary meetings, without even a suggestive influence from any Administration, took preliminary steps for the organization of a government. Subsequently to the organization of these primary meetings, General Riley issues his proclamation; and the time fixed by General Riley is the very time fixed by the people themselves in their own meetings, gotten up in opposition, if you please, to the proclamation of General Riley, or gotten up without any connection with it. Sir, I discard entirely all this talk about interference, either directly, indirectly, or suggestively, of any Administration, in relation to the people of that territory. They were a people who knew their rights. They were a people calculated, after knowing and understanding their rights, to exercise them, as they have already done, without regard to any influence from any quarter. There is in my mind, then, not the slightest force or importance to be attached to this declaration, that there has been any interference whatever, either directly or suggestively.

But, it is said, that in the formation of this territorial government, the people of all classes, climes, and complexions were allowed to participate. A little examination into that matter, together with such information as I draw from the Senators and Representatives who are here from that country, will, I believe, show that this suggestion is totally incorrect. A part of the 8th article of the treaty is as follows:

"Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever.

"Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States."

Now, sir, under the proclamation of General Riley, I find that the qualifications of voters were thus defined:

"Every free male citizen of the United States and of Upper California, twenty-one years of age, and actually a resident in the district, hereafter has, and will be entitled to, the right of suffrage; also citizens of Lower California, who have been forced to go to that country on account of having rendered assistance to the American army."

The qualifications of voters, prescribed in that proclamation, are of two classes: first, American citizens residing in California; and second, citizens of Lower California, who have been forced to go to that country on account of having rendered assistance to the American army. I am told, that in consequence of the services which a certain portion of the Mexicans in Lower California rendered to our armies in the late war with Mexico, some four or five hundred did leave Lower California, and establish themselves in Upper California. Then, sir, there was that class of persons, who were not, by the laws of the land, citizens of the country. They were not American citizens. They did not possess the rights of American citizens. But those of the Mexicans, who were residents upon that territory at the ratification of the treaty of peace, were American citizens. The very terms of the 8th article, to which I have already referred, makes them citizens of this country. "Every Mexican citizen, residing in that territory for the term of one year, is, and shall be, considered to have made an election to become a citizen of the United States." At the adoption of that constitution, more than twelve months had elapsed, and every Mexican, so residing in that territory of Upper California, was an American citizen, and had the same right to vote, that American citizens had, who had gone there from the States. That class of Mexicans, who had come into the territory from Lower California, were, by the very article of the constitution, precluded from voting on its adoption. It was ratified and confirmed by American citizens only—by those who had the right, as American citizens, of voting. The final ratification or adoption of this constitution, was by the act of American citizens. This was the last act in the progress of events. Who instituted the first proceedings—what influences operated before—is really of no practical importance. The final act was that of the people themselves. That, at least, is enough for me.

But, sir, there is a word to say in relation to this right of voting. The right of voting in our territories, in the formation of constitutions, is as varied as the right of voting in the States. I doubt if you can find, in any two territories of the United States, that the same rule has been laid down as regards the right of elective franchise. Who voted in Maine when she become an independent State, and prepared her constitution for admission into the Union? Sir, the negro voted there; and was there any objection raised? No, sir; he was recognized as an American citizen, and voted there then, as he votes there now. It

was a question with which Congress had no right to interfere. It was a question which belonged to that sovereign power to determine; and in her judgment she saw fit to confer the right of voting upon the colored man; and he exercised it then, and exercises it to this day. Then, sir, when we come to the State of Illinois, we find that foreigners voted there—that the very law of Congress, authorizing the admission of Illinois as one of the sovereign States into this Union, made provision, that foreigners should vote for the adoption of that constitution—in indirect terms, perhaps. It prescribed—first, that every American citizen of twenty-one years of age, who had resided in that territory for six months previous, should have the right of voting; and then provided, that every other *person*, that the people of that territory should see fit to bestow that right upon, should have the right to vote. The people of the territory did confer that right upon foreigners then residing within her limits, and they did participate in the formation of that constitution, and have exercised the right of elective franchise under that constitution until within about two years. We come to Michigan; and what do we find there? Michigan is a State which formed her constitution without the consent of Congress previously given. I find in her constitution a provision, securing to foreigners the right to vote; and when she come here with her constitution, asking admission of Congress into this Union, by an express provision in her constitution, the foreigner in that State had the right of voting. Why, sir, the rights of the people in these territories, in relation to the elective franchise, have been as varied as the rights in the States; and this is the first time that I ever heard an objection raised in the Senate, or in Congress, or an attempted interference, as to who should possess that right in the territories, when they framed their constitutions, or when they exercised the powers granted to them under a territorial government by Congress. But suppose that foreigners were allowed, in the incipient stages, to vote upon the adoption of a constitution. The authorities to which I have alluded, I think, will satisfy every Senator, that it is a question which has never before been raised—it is one which we cannot control: the people of the territories themselves must determine this question, and not us.

There is another class of authorities, to which I beg leave to call the attention of the Senate: it is to those States which have been admitted into this Union. Now, sir, of all the States which have been admitted into this Union, nine have been admitted *without any previous assent of Congress to form a constitution*, and eight with it. The rule is in favor of admitting States without the previous consent, and not in accordance with a previous act. It is true, that in these various States I find a difference. They are of several classes, differing somewhat, and hardly any two coming within precisely the same rules. But I assert, and I have the authorities here by me, that nine of the seventeen States that have been admitted into this Union, have been admitted without any previous authority having been given on the part of Congress for the people thereof to form constitutions, and to erect themselves into a State, for admission into the Union. The rule, then, is against that assent. The Senator from Alabama [Mr. CLEMENS] was pleased to rely—somewhat, as I thought, with an air of triumph—upon the acts of this body in regard to the admission of Tennessee as one of the States of this Union. Vermont, Kentucky, Tennessee, Maine, Arkansas, Michigan, Florida, Texas, and Iowa, were admitted without any previous act of Congress authorizing them to form a constitution; and Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, Missouri, and Wisconsin, with a previous act—making nine without an act, and eight with a previous act.

There are some features in relation to these States to which I beg leave to call the attention of the Senate. First, that of Vermont. Senators will not forget that, under the clause of the Constitution which I have already read, new States may be admitted into the Union, but no new States shall be carved out of old States, or be made by the junction of two or more States, without the consent of the Legislatures thereof, and of Congress. The point I raise is, that if sufficient reasons exist for a prior act of Congress for the admission of a State into this Union, it applies with just as much force to a State coming, as Vermont, Kentucky, and Maine come, as to any of the other States, out of a territory. There was just the same necessity for a prior assent of Congress, in relation to the formation of a State out of an existing State, as there was for the making of a constitution by the people of a territory. I cannot see any real difference. There is none—there can be none. Then, in the early action of the Government, we find that Vermont, which was in fact an independent State, during the Revolutionary war, although exercising a jurisdiction conflicting somewhat with that of New York, presented herself here in '91, and was admitted as one of the States of this Union—New York assenting simply for the purpose of quieting the conflicting jurisdiction that existed between the two States. Her constiution was never presented to this body for its consideration.

Kentucky was the next State admitted into this Union. She was formed of a part of Virginia—the Legislature of that State giving its consent. Virginia gave her consent December 18, 1789. An act passed Congress February 4, 1791, for the admission of Kentucky as a State into the Union, to take effect on the first day of June, 1792. When Kentucky applied for admission, she had not even formed a constitution at all; nor had she done anything of the kind when the act passed admitting her. But before that act took effect, she did meet in a convention of her people and form a constitution; but that was never presented to Congress. There was no consent either asked by Kentucky or given by Congress, for the formation of a constitution in Kentucky. Officially, Congress indeed never knew whether Kentucky had a constitution or not. This is the history of the admission of Kentucky.

Now, sir, comes the next in order, Tennessee; and to that case I beg leave to call the particular attention of the Senate, because it is, as I think, perfectly parallel in its bearings to that of California I confess that I was much surprised at the remarks which fell from the Senator from South Carolina [Mr. CALHOUN] yesterday. He tells us that Tennessee, upon presenting herself here, was remanded back to her territorial condition. Let me tell the Senator that he is mistaken; that he has

not looked closely at the authority upon which he has relied, and upon which he asks us to reject that sister State upon the Pacific. After enumerating our duties, and after alluding to the case of Tennessee, as one parallel in its character, the Senator from South Carolina tells us that we should pursue the course now which Congress pursued then. In that conclusion I concur. But the course which Congress did pursue then, is not the one which was indicated by the Senator from South Carolina. No, sir. Tennessee was ceded to the United States by North Carolina; and in that deed of cession, there was contained an express provision that it should be admitted into this Union as one or more States, as Congress should determine, when there should be sixty thousand inhabitants within the territory; and a territorial government was formed in 1790 for the territory, by Congress. In 1796 there was the requisite number, and a census was taken by the people of that territory, and it was found that its population exceeded the number specified in the deed of cession by North Carolina. She come here with her constitution formed, and which defined her limits as including the whole of that territory, which might be admitted as two States, if Congress should so determine.

Who settled that question? The people in that territory settled it. Who formed their constitution? They formed it without any prior consent, or without asking the prior consent of Congress. Who fixed the boundaries? The people of that territory fixed their boundaries. And I agree with the Senator from South Carolina, [Mr. CALHOUN,] that the action of Congress now, should be what it was then. What was that action? I take issue with the Senator. He is wrong in his historical facts. I find, sir—but I will not trouble the Senate by reading: I have it here—I find that that constitution, upon the 8th of May, 1796, was presented to the Senate in a manner precisely as this has been presented, accompanied by a message of the then President of the United States. It had been formed, and all the transactions attending it have been as I have narrated. It come here. It was referred to a committee of this Senate. That committee reported. That report in substance—I will not cite it at length—did lay down the position, that, inasmuch as there had been no census taken of the people of that territory by the United States, and inasmuch as Congress had not determined whether there should be one or more States—that report did come to the conclusion that the proceedings of the territory were informal, and that she should be remanded back to her territorial condition. After a debate in this body, that report was accepted upon a vote of eleven to thirteen. A bill in accordance with that report was presented, and passed—no division. It went to the House. The House took that bill, amended it by striking out all after the enacting clause, and inserting two sections, admitting Tennessee as one of the States of this Union. That come back to the Senate. The Senate insisted upon their former vote. Conferees were appointed, and, in accordance with their report, the Senate receded from their former vote—thus admitting Tennessee, the first session she applied, and never remanding her back to her territorial condition—never sending her back, but affirming her acts after she had thus embraced, within her own limits as one State, all that territory which Congress had a right to erect into two. She defined her own boundaries, and took her own census.

Iowa formed her constitution November, 4, 1844, describing and defining her boundaries. Under this constitution, on her application for admission, Congress passed a law, admitting Iowa with different boundaries. This act was absolutely refused by Iowa, and she was thrown back into her territorial form of government.

On the 18th of May, 1846, Iowa formed another constitution, again describing and defining her boundaries. August 4, 1846, Congress passed an act, defining the boundaries of Iowa, and taking the same boundaries named in the constitution of Iowa. December 28, 1846, she was admitted as a State.

It will be seen that Iowa thus erected her State without the assent of Congress, defined her own limits, and took such a part of the Territory of Iowa as she chose, leaving what she did not see fit to include in the State.

Sir, there are facts in relation to the other States, which would be pertinent, and would show a great analogy between California and them. But, as I have already enumerated a number of States which have come in, without the authority of Congress, to form a constitution, I will leave it there, with a single remark in relation to Texas. I include that in the number. There was a prior assent of Congress that she should be incorporated within this Union. She was a foreign State. But the question which is now put in issue—the question which we are called upon to decide—is, whether the people of this territory have the natural, inherent right, and, having that right, whether it was their duty, to exercise that power of forming a constitution? So far, then, as the admission of Texas was concerned, it certainly has that analogy to this case. But while we gave an assent to her admission prior thereto, there was no assent to the formation of her constitution, leaving that to the people, and without our interference, precisely in the same way that it was left in the territories. There is another view in this connection. The people, I hold, in California have higher claims upon us; and we are bound to recognize their acts with warmer commendation than we should the acts of those who have exercised the power of forming a constitution under a territorial government. Under a territorial government, there is a recognition of the power of the General Government, to give them the form at least of a territorial government, acting under that government which comes from the United States—acting under the authority which has been given to them by the General Government. There is a greater assumption of power upon those thus acting under a territorial government, if there could be an assumption of power anywhere. There is a greater assumption of power by persons acting under a previous territorial government, than there is in the people who have acted in California. In the territories to which I have alluded, they have a complete government, which protects them in all their rights, which secures to them liberty, and guarantees to them protection in everything which they enjoy. Not so in California. Coldly and cruelly—I had almost said, wickedly—you have refused to her any government at all; and then, after having thus neglected to furnish her any

government, you turn round and deny to her the authority to create a State for herself. If the people of a territory come to Congress, and ask for our bounties and our protection under a territorial government, which is a mere appendage to this Union, and which, as such, is supported, and protected, and guarded, and fostered by the Government, they would have less necessity for forming a State for themselves, than the people of California have; yet in such cases, their acts and their right to act have been fully recognized, as we have seen.

Mr. TURNEY, (interposing.) I should like to inquire whether the Senator was not in favor of no territorial government for this territory at the last Congress? I would inquire whether he has voted for any bill proposing such a government, or whether the gentleman himself did not uniformly vote against any bill giving her such a territorial government?

Mr. HAMLIN. I recollect, Mr. President, what the Senator refers to. I do not design to be drawn from the thread of my argument here, but I will answer, briefly, that I recollect very well how I voted upon a motion submitted by the honorable Senator from Illinois. The motion was made by that Senator [Mr. DOUGLAS] that the Senate proceed to the consideration of the bill giving a territorial government to California, at the last session. For that motion I voted with great cheerfulness—I refer to the bill that had passed the House. For that bill I should have voted. I think the Senator from Tennessee [Mr. TURNEY] was found voting in the *negative, thus preventing the Senate from acting on that bill.* Another thing: I have voted on all occasions for governments to those territories—such governments as I believed the people of those territories themselves wanted, and such as I believed were right. It is true, the Senator from Tennessee and myself have not always agreed in our opinions as to what bills were best adapted to the territories——

Mr. TURNEY. I would ask of the Senator whether he voted for the Clayton bill, which neither admitted nor excluded slavery in the establishment of a territorial government for California, but left it to the judiciary?

Mr. HAMLIN. I did no such thing. I did not vote for the Clayton bill. I regarded it as no compromise of the question at all, but as a cunning device to spread slavery in that territory. And for such a bill the Senator from Tennessee knew well that I never would vote. Such was my opinion of that bill. Other Senators, I am aware, entertained a different opinion. I think that bill did not leave it to the judiciary even. There was no way by which to reach the judiciary provided in the bill. If there had been, it would have been perfectly nugatory. That proposition was most admirably ridiculed in the speech of the Senator from Ohio, during the last Congress, now in my eye, [Mr. CORWIN.] He asked whether the slave would have power to come on here from California to protect himself by an appeal to the Supreme Court? The idea was so preposterous, that I supposed it was admitted on all hands, that that bill contained no such provision as would give to the slave any practical rights in the Supreme Court.

Mr. BUTLER, (in his seat.) This was a bill to make a State, for which the Senator voted.

Mr. HAMLIN. No, sir; it was not to make a State. It was a territorial bill—the territorial bill which come from the House, with the ordinance of 1787 in it. That is the very bill. That is all the difference between *meum* and *tuum*.

Sir, in this connection, and as affecting the people of California, I have another authority, to which I beg leave to call the attention of the Senate. It is an extract which I make from the "Union," a newspaper published in this place, of February 4, 1849, a little more than one year since:

"The South denies that Congress has any jurisdiction over the subject of slavery, and contends that *the people of the territories alone*, when they frame a constitution, preparatory to admission into the Union, have *a right to speak and be heard on that matter*. THIS FACT BEING SETTLED, it really seems to us that this exciting question might be speedily adjusted, if calm counsels prevail. The South contends for her honor, and for the great principles of non-intervention and State equality. Why, then, cannot *all* unite, and permit California to come into the Union *as soon as she can form a constitution?*"

Now, sir, what was the influence which such an article, published in the official organ of the Government, was calculated not only to have upon the people of that country, but upon the people who should go there? Why, sir, it was recognizing, in all its length and breadth, the power for which I contend—the power to form a State as she shall see fit. Now, sir, the influence of that press must have been felt even upon the Pacific coast, laying down the doctrine, that the people had a right to form that government—nay, going as far as the people have gone—that they had a right to admit or reject the institution of slavery, as they should see fit. Let me ask now, in the language of the "Union," why all this excitement cannot subside, and why *cannot all unite and permit California to come into this Union?* Why, sir, whatever may be my opinions in relation to the powers or the duties of this Government over the territories, I have a right to insist, that those who promulgated such doctrines, are bound by the acts of that people, having been instrumental in inducing them to perform these very acts.

But, sir, let me read another extract from the last annual message of the late Executive, President Polk, and see what was the language then held upon this question, whether Congress shall legislate or not:

Extract from the Annual Message of President Polk, December 5, 1848.

"Whether Congress shall legislate or not, the people of the acquired territories, when assembled in convention to form State constitutions, will possess the sole and exclusive power to determine for themselves whether slavery shall, or shall not, exist within their limits. If Congress shall abstain from interfering with the question, the people of these territories will be left free, to adjust it as they may think proper, when they apply for admission as States into the Union."

Here is clear and certain authority for the people to do just what they have done—exclude slavery from the State. And yet who doubts that she is, in fact, opposed in her admission, for having done that very thing? Was not this an inducement for the people thus to act? and, followed up by its official organ, recognizing the doctrine of the right of the people thus to act, inducing them by this very course thus to act, are we to turn round now, and coldly say that they are to be remanded back—not to a territorial government, for they had none—but back to a *quasi* civil government, or where what is precisely the law none seem to know? And, sir, I have another extract to read.

It is from a speech delivered by the Senator from South Carolina [Mr. CALHOUN] in February, 1849. It says:

"Sir, [said he] I hold it to be a fundamental principle of our political system, that the people have a right to establish what government they may think proper for themselves; that every State, about to become a member of this Union, has a right to form its own government as it pleases; and that, in order to be admitted, there is but one qualification, and that is, that the government shall be republican. There is no express provision to that effect, but it results from that important section which guarantees to every State in this Union a republican form of government."

Now, sir, even the Senator from South Carolina, one year since, standing here as an exponent of the institutions of the South, then raised his voice, encouraging the people to go there—people to whom we had furnished no government—encouraging them to perform the very acts which they have now performed. What may be his opinion upon the right of the people to form a constitution, I do not know; but I hold, that the people in California might well claim to act under such opinions as are here expressed.

Sir, I could quote from now until the sun goes down—I could quote until it rises to-morrow morning—from statesmen, orators, and newspapers of the South, recognizing the very doctrine that they were willing to leave this question to the people of the territory. After having thus encouraged them to perform the very act, which was admitted as legitimate and proper for them to do, it is too late in the day, after this, Senators, to attempt to resist the admission of California, for no other or better reason, than that she has not acted in conformity with a prior act of Congress. There must be an assent of Congress, it is true; and in this connection I beg leave to say, that it is far better in all cases that there should be a prior application to Congress, that no questions of boundaries, that no other questions tending to produce conflict, may arise, when she comes to ask her final admission. It would be vastly better that there should be, in all cases, a preliminary step taken by Congress. But as California has seen fit to adopt for herself a constitution without this preliminary act, why, every man knows that when we do admit her, that is the assent of Congress, as broad, as clear, as positive, as if it had preceded it. Here I leave the question of the right of the people to form a constitution, without the consent of Congress.

Having the right to form a constitution, has that right been so exercised that she should be admitted as a State? The first objection raised is one relating to her boundaries. The Senator from South Carolina, [Mr. BUTLER,] now before me, upon this, speaks with much emphasis. This question of boundary is one of importance; it is one in which the governments interested are to be consulted. I concur in all the importance of the boundaries of a State—in all the importance which the honorable Senator from South Carolina [Mr. BUTLER] attaches to them. I hold it is just as competent for us to give our assent to the boundaries now, as it would have been to have given our consent at the outset. I know the tenacity with which individuals, as well as nations, adhere to monuments. We all know that god *Terminus* has been an obstinate god, from the very creation. He might as well be called, and for aught I know is, the legitimate offspring of Mars. The obstinacy with which individuals, as well as nations, have adhered to their boundaries, has been the cause of the shedding of more blood than any other, save that of religion, in the history of the world. Of all wars that have deluged the earth, more blood has been shed in the defense of the boundaries of nations, than for any other cause, save that to which I have alluded.

Sir, the fable of the Carthagenian, Philænii, is not without its instructive lessons. Where they fell, monuments were erected to their memory; and there was the boundary of Carthage. Now, sir, the argument I deduce from all this is, if there is so much importance to be attached to boundaries of nations, then we should give our assent to the admission of California, and not circumscribe her because she may not have fixed precisely the limits that might have been preferred by some of us. To prevent that very conflict which might arise from changing the boundaries, is the very reason, of all others, why we should accept her as she is.

But, sir, what are her boundaries? It is true that she contains from one hundred and forty to one hundred and fifty thousand square miles. She is bounded upon the north by Oregon—I suppose no Senator will change the limits of that territory: she is bounded upon the east by the Great Desert; she is bounded upon the south by Mexico, and upon the southeast by a desert. Now, sir, looking at the description of that country, there would, in the opinion of some, be a better boundary, to take the crest of the Sierra Nevada for her eastern boundary; but from the information which has been imparted to me by Senators and Representatives of that State, I learn, that upon the eastern slope of the Sierra Nevada, there is a long belt of land, varying from ten to thirty miles in breadth, which can be attached to no other State in that section, and it is valueless, entirely, unless connected with California. Whether it will be valuable there, time alone can determine. For grazing and for agricultural purposes, it may have some slight value; but as a mere belt of land lying west of, and bordering, that desert, it could be incorporated into no other State in this Union, save the State of California, where it is to be incorporated. Yes, sir, the very construction of that country renders it so homogeneous, while it is so large that it should retain its present boundaries. Look at its situation. Here is the Sacramento rising in the north, and the San Joaquin rising in the south, coming to a common centre, and finding their outlet upon the Pacific. You may erect new States upon the slope of that country, and if you choose, you may dot it over with States no larger than Delaware and Rhode Island. But every man knows, from the homogeneous character of the country, that while the *San Joaquin* must run north, and the *Sacramento* run south, its commerce, its products, its wealth, its everything, must float down those rivers to a common centre. You may as well speak of preventing the productions of the mighty West from going down to New Orleans. You may as well attempt to divert them by your artificial communications overland; while the Mississippi shall run to New Orleans, that depôt must be the one where all the commerce west will go. So in relation to this State of California: it is homogeneous; the commerce of the country, and everything connected with it, must

find its outlet upon the coast of the Pacific, at the port of San Francisco; and what matters it so far as we may be concerned, whether that river shall water one or more States? The people of that country will be bound together by a common interest, and should be embraced in one State.

But, sir, it is said, because she possesses an area of one hundred and forty, or one hundred and fifty, thousand square miles, that we are not to receive her at this time as a State of this Union.

I think, Mr. President, neither you nor I, nor any other Senator, heard these startling complaints, when our sister Texas come in as one of the States of this Union. There was nothing to startle or alarm the public mind then. Texas with her three hundred and twenty-five thousand square miles, was not rejected because she was too large a State. No attempt was made to keep her out of the folds of this Union, because she possessed an area about five times as large as our largest State. No complaints or objections then of this sort were made. Now, sir, taking the bill of the Senator from Missouri, [Mr. BENTON]—I think that circumscribes Texas within the smallest limits—taking that bill, and reducing the territory of Texas, with her consent, to the limits which that bill proposes, you will find that Texas still remains with one hundred and fifty thousand square miles, and is larger than California with a territory that has the capacity to sustain a population ten times as large as that of California. And where is the alarm at the bill offered by the senator from Missouri, [Mr. BENTON?] Where is the alarm that it does not reduce Texas down to a proper limit? But it may be said, that there is contained in that bill, as there was in the orginal articles of annexation, a provision that she may be divided. Granted, sir. You have no more jurisdiction over her than if she were not admitted with that provision. We might, if we please, put it in the bill admitting California. She may be divided at some subsequent period, with her consent. That gives us no greater power to make a division at some subsequent time, than if such a provision were not contained in it. It would be a matter of agreement between the government of the United States, and the people of that State, whether she should be severed or not—whether the provision contained in her act of admission should be carried out or not: she holds the power within her own hands. So long as Texas shall insist that she will not be reduced, it is not within our power to touch her. Whenever she shall grant that assent, it may be done. So with California; if, at any subsequent period of time, it should be deemed expedient or proper to circumscribe her in her limits, with the assent of the people of that State, it can be done. Without her consent, it could not be done.

Again: judging from the information we can gather from that country, there cannot be a single doubt, that the capacity of Illinois, the capacity of Indiana, of Pennsylvania, or Ohio, or any of our first-class agricultural States, is vastly greater to sustain a population, than the territory embraced within the limits of California. One of those best acquainted with the matter has asserted that there is more arable land in the State of Massachusetts, small as she is, than is to be found within the whole limits of California. However that may be, it is beyond a doubt, that one of our first-class States contains the elements of a vastly greater population, and possesses a vastly greater number of acres of arable land. Then, sir, taking her homogeneous character, taking the quality of her soil, we can have, I apprehend, no doubt upon our minds, that we shall not only be justified in admitting, but that we are imperiously called upon by every principle of reason and justice to admit California, as one of our sister States, in this Republic.

But it is said that no census has been taken of her population, and therefore she should be remanded back to her original condition. Who heard these arguments, of perfect equality in population, so eloquently enforced by the honorable Senator from Alabama, [Mr. CLEMENS,] when Florida came here asking for admission? The honorable Senator from Alabama was not here then to raise his voice against the admission of Florida, because she did not present a perfect equality in population; or, in other words, because she did not, to a certainty, possess a population which would entitle her to one Representative in the popular branch of Congress. Now, we find that, of all colors and complexions, in 1840, she had only fifty-four thousand, while more than seventy thousand inhabitants were needed as the basis for one Representative. Deducting two-fifths, not representable, of the colored population, and she had only about forty thousand. Was there any individual then alarmed, lest the compromises of the Constitution would be trodden down, if Florida come in with her population thus limited? This was her population in 1840. Allowing her for a progressive increase, and she could not have had fifty thousand at the time of her admission.

When Texas came in, no provision was made to ascertain, by act of Congress, her population, for the purpose of coming down to that rule of perfect equality which was so forcibly illustrated by the honorable Senator from Alabama, [Mr. CLEMENS.]

Well, how was it in relation to Texas? Was there any particular alarm in relation to that territory, lest it should not have a population large enough to entitle it to an admission into this Union? Was there any fear that the compromises of the Constitution were to be broken down, and that she was to be remanded back to her independent position until a census should be taken? No. There never had been a census taken, at any previous time to that when she came and knocked at the door for admission into this Union; and the honorable Senator from Texas [Mr. RUSK] told us the other day, in his place here, that they had a population less than thirty thousand with which to achieve their independence.

Well, sir, she had a population, in fact, slightly beyond that which would have entitled her to one representative. The honorable Senator from Texas himself remarked to me, in answer to an interrogatory, that she probably had about eighty thousand. California, from information upon which reliance can well be placed, has a population from 110,000 to 120,000 inhabitants, and is increasing with astonishing rapidity.

There is, in the 9th article of the treaty of peace with Mexico, a stipulation that the territories ceded to our Government shall be incorporated into the union of the United States. There should be no obligation of a nation more sacred, or more faithfully complied with, than that which is con-

tained in its treaties with other governments. Our treaty with Mexico imposes upon us an obligation which we cannot disregard at this time, unless we mean to be faithless to our treaty stipulations. Here is the article to which I refer:

"ART. 9. The Mexicans, who, in the Territories afore said, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion, without restriction."

Now, such Mexicans as remained in the territory for twelve months after the ratification of the treaty of peace with Mexico, became thereby American citizens. Under the 9th article, it is expressly stipulated that they shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States. Taking the existing state of things into account, who can doubt for a single moment what is our duty, and whether we should not give our assent now? True, we are made the tribunal which is to judge of the time. In the exercise of that power we are to deal justly; and with the population now in California, and with its rapid increase, we are bound by the highest consideration to admit California. To my mind, there can be no reasonable doubt. It is certainly no more than fair to admit that, when California has a population as large as she now has, we should admit her at once and without delay.

Taking the history of the Government, the manner in which States have been admitted, the character of the country, its population, its homogeneous character, our obligations to admit them, the right which the people of the country had to act, the manner in which they did act, it seems to me there cannot rest upon the mind of any individual a doubt that we should admit this State. And the question, the only question, under the view which I take of this matter is, "Is the constitution which she has presented to us republican in its form?" That, sir, it appears to me, is the simple question which we are to determine. Such, I believe, is the constitution of California. She has created it in pursuance of her rights. It is, to all intents and purposes, a State, so far as her action is concerned; it is a State, and *it will be* a State of this Union, when we shall have admitted it within our limits, and when we shall have passed the necessary laws to make it so, *as we will*.

The simple, plain question then is, "Is the constitution presented here republican in its character?" I have heard no exception to it. I have heard no Senator interpose that objection; and from a careful examination of all its features, no man can come to any other conclusion than that it is republican, and that it has within it many features which challenge our admiration. It has many features which might well excite admiration, and induce older and other States to follow its example.

She has, first and foremost, already provided for the education of her children; and there is nothing that serves so much to elevate the character of a people, and promote the best interests of a State, as general education. Wherever education is promoted, and the character of the people is elevated, we have long since learned that the duties and services of the recruiting sergeant will be much less required. She has secured the right of suffrage to every freeman. She has prohibited slavery within her limits. Other States of the South have guarantied it. There are a variety of other features in the provisions of her constitution well worthy of commendation and imitation.

There is one other point which Senators should not lose sight of. She must come in, if she comes in at all, with her present limits—her present boundaries. Any change in her boundaries will remand that State back to her former condition. The provisions of her constitution are such that, if changed, all that she has done in the election of her representatives, the formation of her constitution, the creation of her government, must fall, and she go back again to her natural rights—again to prepare another constitution, which shall conform to the will or wishes of Congress, if this does not. We are not, then, to lose sight of the fact, that any change, however slight, in relation to the boundaries of this territory, *is a rejection*. We may as well reject her in terms as to reject her indirectly. We may as well refuse to admit her at all as thus to refuse to recognize her boundaries, and thus to *reject her indirectly*. It cannot, it seems to me, remain doubtful as to what is our duty to those whom we represent, as well as to the people of California. We should admit her, and admit her at the earliest day possible; and the earlier the day the better, not only for her, but for the whole country.

There have been various reproaches cast on the people of these territories. A sufficient answer to all this might be found in the character of the Senators and Representatives which she has sent here, and who are worthy and true representatives of that people. Any State might well be proud of such a delegation. Yet the people have been denominated squatters and vagabonds, and almost every opprobrious epithet has been cast upon them. But who are they who have gone to that land, and are thus vilified? Why, this constitution which they have presented here is the evidence of their handiwork; it is an evidence of the character of the people; and I may say, from what I know of that people, that they may challenge a comparison with the constituents of any Senator on this floor. They are intelligent, worthy men, who have gone there to build up a Republic, and to make it one of the marts of commerce, which shall connect us with the far-distant East. They have gone there to adorn that land, and make it bud and blossom as the rose. They have gone there and asserted their rights as citizens of our country, and have come here asking us to admit them into this Union as one of its sovereign States. That, sir, is the question for our decision. Judging from indications which cannot well be mistaken—judging from the indications which are all around us—I have no doubt that she is to be welcomed into this Union, and the State of California is to be known as one of our sisters, and her star is to stud with other stars our national flag.

SPEECH

OF THE

HON. SAMPSON W. HARRIS,

OF ALABAMA,

ON THE

MEASURES OF COMPROMISE.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 10, 1850.

The House being in Committee of the Whole on the State of the Union, on the President's Message transmitting the Constitution of California, Mr. HARRIS said—

Mr. CHAIRMAN: It has only been within the last few hours that I resolved to trespass upon the time of the Committee. An indisposition, partially disabling, and totally disinclining me to the business of debate, had well-nigh disposed me to total silence. But as the period approaches when the final vote is to be taken on this measure of all-absorbing interest, I will not seek to repress the impulse I feel, to submit some reflections upon it, before the door is closed to further discussion.

It may be assumed as a truth, that whenever by reason of any threatened or actual measure of legislation, the very foundations of a government are strongly agitated by the spirit of discontent—great error, or rank injustice, has marked the act itself, or the motive in which it originated. This may, with the greater certainty, be predicated of the Government under which we live; beneath whose protecting ægis, no murmur of discontent, no threat of disloyalty need ever be uttered by the humblest citizens so long as the Constitution is administered in the spirit in which it was conceived. But notwithstanding this, a moral convulsion shakes this Union, and alienation stalks unrebuked over its once happy and contented surface. These things ought not so to be. And now, sir, applying to our investigations the touch-stone of truth, let us seek for the cause of these unfortunate disturbances, and in the spirit of patriotism and justice, seek to apply the proper remedy to the evils which afflict us. And let us remember that no mere temporary expedient, no delusive palliative, no hollow and deceptive truce, can heal the fatal leprosy that taints the body politic. But that an impartiality which regards every interest with equal favor; a self-sacrificing spirit which looks away from the local interests of a part, to the great and common rights of all the States; a sense of justice which scorns to make might the measure of right; and a fixed adherence to our constitutional obligations

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in the settlement of the question which distracts the land, are all alike enjoined by the voice of wisdom, and enforced by every consideration dear to freedom and the Union.

And what, sir, is the disturbing cause so fruitful of discord, so pregnant with evil to us and our institutions? It is the existence of African slavery as an element of political power under our system of government, and as a distinctive feature in the social relations of one-half of the States of the Union. The principle was infused into the Government at the moment of its birth. Coextensive at its formation, with the furthermost limits of the entire Confederacy of States, slavery has gradually, and by the operation of causes easy and natural, and which produced no shock to our system, passed away from the Northern States, and has concentrated all its strength, whether for weal or woe, within the body of the Southern States. To the first, it has ceased to be any thing more than a mere abstraction, whether viewed in its moral, its social, or its political aspects. While to the others, it is a vital reality; an essential principle of their very organism, and indissolubly interwoven into the very frame-work of their being. The difference between the North and South which has existed in their habits of life, their modes of thinking, and their supposed conflict of interests; in their soil, climate, and production, and in all those varying shades which define the peculiarities of each—have formed the ground-work of a mutual prejudice, which however attempted to be disguised, is as undeniable as it is unfortunate. In this state of social and moral antagonism, the mind of the North has always been the fit soil for the growth of any sentiment at hostility with the South. And the ancient principle of enmity to witches, which doomed old women to the stake, because cattle died with the murrain, presents itself now in a modified form, and seeks to cut the throat of the Southern master, because the descendant of Ham fulfils the destiny entailed upon him by Providence. In the war which is waged upon the South, the North is impelled by a mere *sentiment;* a sentiment first generated in the mistaken policy of British statesmen, who have long since repented of their folly, and then transplanted to germinate in the hot-bed of Northern fanaticism. And after being elevated to the bad eminence of an almost earthly deity, before which the unreasoning masses have been made to fall down and worship; within the circle of whose malign influence, much of Northern virtue has perished, and infidelity and demagogueism find congenial growth; after all the ruin it wrought at home, it obtrudes itself here, to mar the harmony of our deliberations, and threatens to destroy the very fabric, it cost so much virtue and wisdom to construct. And here, sir, stands this *mere sentiment,* rudely thrusting aside the Constitution, and spurning alike the promptings of patriotism and the appeals of justice, menaces the blood-bought rights of one-half of this Union.

But, sir, we should remember that this sentiment is not yet triumphant—but that from another section of this Union, filled with a people all instinct with the spirit of independence, an antagonistic sentiment comes up; a sentiment fortified by the prestige of immemorial usage, justified by the sanctions of divine appointment, and vindicated by the very Constitution under which we live. Yes, sir, here are the two ex-

tremes of the Union, in conflict upon this floor, in relation to a matter which is offensive merely to the educational prejudices of the one, while the prejudices, the self-respect, the honor, the political equality, the property, and the very safety of the other, are all, all involved in the issue.

I do not propose, sir, to take issue with the gentleman from Tennessee, (Mr. GENTRY,) as to the responsibility of the war, to which he refers our present difficulties. Nor will I stop to expend one breath as to its morality or its justifiableness. And least of all, will I seek to excite the spirit of party, so potent for evil, at a crisis like the present. Suffice it to say, that the war was sanctioned by the voice of the nation; that the South contributed her full proportion of men and means for its successful prosecution; and by every consideration, which can appeal to the justice and magnanimity of the North, she claims an equal participation in the fruits of our common struggles. More than this we do not ask; less than this, nothing but bad faith and a spirit of hostility will hesitate to grant.

Anxiously concerned as I have been, to settle this dangerous controversy on terms honorable and just to every portion of the country, my sense of duty constrains me to withhold my support from every proposition which has as yet been tendered by those who have the control of it in their own hands. As to the *non-action* policy of the President, I will only say, that it would receive no favor from me, even if it had not been repudiated by those who brought him into power. And as there is no likelihood of its adoption by the *positive* action of Congress, I shall pass to the consideration of the measure of adjustment reported by the Senate Committee of Thirteen. A measure which, permit me to say, has summoned to its aid an amount of zeal and industry, both within and without the walls of this Capitol, totally disproportiond to its merits, and worthy of a better cause.

In this connection, Mr. Chairman, as an act of justice to myself, I turn aside for a moment to animadvert upon the course which a newspaper published in this city—"*The Union*"—has thought proper to pursue, in its advocacy of this measure. I do this with unaffected reluctance, from the high respect I have always entertained for the age and experience of its veteran editor, and from a sincere gratitude for the distinguished services he has, in past times, rendered to the cause of popular freedom. From my earliest boyhood, I have been accustomed to draw instruction from his contributions to the stock of public information, and it is with pain that, upon an issue so vitally important to the whole country, and more especially to that which I represent in part, I feel it my imperative duty to part with him. Sir, I am not alone in the course I pursue; but many, very many of the most gifted, most true, and patriotic sons of the South—both in the Senate and House—men distinguished alike for their wisdom in council and their valor in the field, are with me, marching under the same banner that floats, I fear, over the forlorn hope of the South, in this dark hour. With them I expect to stand, despite the misrepresentations of enemies, or the unkindness of friends.

I wish to call the attention of the Committee briefly to an editorial contained in the number dated June 4, 1850, in which I am referred to

by name, together with others, with whom it is my pleasure to co-operate. The object of the article is to draw a parallel between what is familiarly known as the "Clayton Compromise" of the last Congress, and the adjustment now proposed by the Committee of Thirteen; and at the same time to exhibitthe imputed inconsistency of those who voted for the one but now oppose the other. The article closes with this paragraph:

"It is all a mystery—all a mystery—which arrays Southern States' right men in the Senate side by side with Messrs. Hale, Chase, and Seward, under the lead of Col. Benton, and arrays Southern States' rights men in the House of Representatives by the side of Root, Wentworth, Wilmot, and Horace Mann, under the lead of Joshua R. Giddings."

Sir, that editorial with that most unkind, most ungenerous, most illiberal, and most disingenuous paragraph has penetrated to the district I represent, and been read by the generous constituency who have honored me with their confidence. My self-respect will not permit me to pass in silence the *inuendo* contained in it; and if the purpose was to imply any factious purpose on my part, or to impute to me any complicity, either in purpose, motive, or design, with those in whose company, and under whose lead, he has thought proper to classify me; or if the design was to refer my action to any thing other than an honest wish to protect the rights of the injured and proscribed South, I repel the insinuation as alike gratuitous and unfounded. And I venture to assert further, that he who penned that offensive article, knew at the time, that there was *no "mystery"* in the seemingly anomalous conjunction between Southern slaveholders and Northern abolitionists. He knew, as every one here knows, that they are the antipodes of each other, and opposed this measure from totally different considerations.

Mystery, sir! Why, where stands the veteran editor himself? By whose side, and under whose lead, does he march? By the side, and under the lead of him against whom he has warred for forty years—the great compromiser, who now rejects all compromise; who exhibited himself, even within the last year, as a practical emancipator, seeking to convert a slaveholding State to the principles of abolitionism; and who, at the very moment that he tenders his plan of adjustment to the favor of the South, tells her she will be excluded by the law of Mexico, which he refuses to repeal; and calls on God and man to witness that he will never vote for any measure, which will enable the Southern master to carry his slave on one inch of the territory in dispute! Is there *no "mystery"* in that? Sir, I seek to impute no improper motive to the editor of the Union, because of his conjunction with Henry Clay. But I commend to him the virtue of forbearance, and the moral of the old saying, "that those who live in glass houses, should not throw stones." Mr. Jefferson once said "that the press of this country would soon cease to be a source of information to the people, or exert any control over men in office." And it may be profitable to the editor of the Union, to inquire whether the prediction of that statesman and philosopher is not likely to be verified, by a persistance in such a course as he has pursued in this instance.

I shall now proceed, Mr. Chairman, to examine the Senate plan of compromise, which has been urged with so much pertinacity upon the favor of the South; and for an honest opposition to which, Southern re-

presentatives have been dealt with so harshly. But let us, first, clearly define, so that we may keep it in mind, the precise issue between the North and the South. And what is that issue? By the treaty of Gaudaloupe Hidalgo, which closed the war with Mexico, a vast extent of territory, embracing the provinces of California New Mexico, and Utah, were ceded to the United States. The South claims the right of equal participation with the North, in all these acquisitions and insists upon the right of her citizens emigrating to those provinces, to carry with them their slaves, free from all let or hindrance. From this the North dissents, and asserts the right, and expresses the purpose, to exclude them from every inch of the territory so acquired. The Senate Committee of Thirteen was raised to devise some plan by which these extreme claims might be reconciled, and all the subjects of controversy finally settled upon terms satisfactory to each, and just to all parts of the country. The labors of that Committee have resulted in that series of measures now familiarly known as the "compromise," or "adjustment." I have before me a terse, yet comprehensive and fair exposition of its whole character and effect, by one of its most able and conspicuous advocates. I mean the editor of "*The Union.*" And it is by the light of that exposition, and in the order in which he sets forth its several features, that I propose to examine its operation as a measure of compromise. I read, sir, from an article published in the "Union," sometime during the last month, headed "Union and Compromise;" and as I have not the date of the number from which I read, I will simply say, that it was published very shortly after the unfortunate difficulty which occurred in the Senate between the Senators from Mississippi and Missouri, (Messrs. Foote and Benton.) The editor, after lamenting in becoming terms, that a circumstance so derogatory to the character and decorum of that body should ever have occurred, and holding it up to public view as a striking evidence of the dangerous excitement which existed in the public mind on the solemn question now under consideration, proceeds to say:

"And what prevents an adjustment of this unfortunate controversy between the sister States of this great and glorious confederacy? A platform of compromise has already been shadowed forth in the Senate which we believe will command the approbation and support of a large majority of the American people. That plan of adjustment concedes one of the great objects contended for by the North—*even by the free-soilers and abolitionists.* It provides for the admission of California into the Union with her present Constitution, *excluding slavery. This is a great point gained by the North,* as all candid men must admit."

I am opposed, sir, to the admission of California, as a State, into the Union; not only because I regard the circumstances connected with her organization, as grossly violative of the rights of the South, but as an open infraction of the fundamental law of the land. But before proceeding to state my own objections to this feature of the proposed adjustment—by way of fortifying my own position—I call the attention of the Committee to an editorial of "The Union," dated 14th August, 1849. It relates to the appointment of General Riley, as Civil Governor of California; that *first*, in the series of unconstitutional measures adopted by this administration, for the express purpose of bringing about that state of things which now exists. In that article the editor says:

"Silence confesses guilt. The apologists and defenders of the administration sedulously avoid any mention of the *gross violence which Gen. Taylor or Gen. Taylor's cabinet has inflicted on the constitution, by re-establishing the Mexican government in California.*"

Again:

"And the silence of the whig press now, when *the President has usurped kingly prerogatives*, proves that it is more firmly wedded to a party administration than to the free institutions established by the constitution."

Again:

"It is not to be wondered at, therefore, that the whig press remains silent when *General Taylor, or the cabal which fills his place, violates the constitution, or when a whig President, holding in contempt the people and the representatives of the people, arrogates to himself the privilege of deciding questions which come within the jurisdiction of the Supreme Court, and of exercising powers which can be lawfully exercised by Congress alone.*"

Again:

"The *National Intelligencer* was foremost in rebuking and denouncing Mr. Polk's administration, and its lamentation over the ruins of the constitution mimicked well the accents of real grief. But now, when General Taylor has committed the offence which was falsely charged upon Mr. Polk, and a Whig dynasty exercised powers which the *Intelligencer* denounced as a usurpation of kingly prerogatives, that patriotic journal utters no word of reproach, but it looks with a cold and careless, if not with an approving eye, *upon the violence done to our institutions*, and the *wrongs inflicted upon our people.*"

Again:

"*General Taylor has established a civil government in California by exercising authority which Congress refused to give him.* In doing so, he has thought fit to re-establish the government which existed in that territory during the Mexican dominion. General Riley, under orders from the War Department, has issued his proclamation announcing himself as the civil governor of California, giving the people of that territory—for the first time, it seems—information of the nature and character of the government which they are to obey, and calling upon them to elect the necessary officers to place that government in effective operation. It had been universally believed that California was without any government and that it must remain without any federal government, until Congress should establish a territorial legislature, or admit it into the Union as a sovereign and independent State. But General Taylor's administration has taken a different view of the subject. The *dynasty which now rules our country has determined to pay no respect to the opinions either of the people or of the representatives of the people; but in defiance of the constitution, it has solved the great questions which have agitated the country as Alexander severed the Gordian-knot—with the sword.*"

Such, sir, were the opinions expressed at that time by the editor of "The Union," in all of which, I then concurred; and now, that what begun in usurpation, has ripened into a consummation of wrong and injustice to all the South, I trust I shall not be deemed inconsistent, if my opinions remain unaltered. It *was* "an act of gross violence, inflicted on the constitution." It was an "usurpation of kingly prerogatives." It was "an exercise of powers, which can lawfully be exercised by Congress alone." It was an act of "violence, done to our institutions, and a wrong inflicted upon our people." It is true "that General Taylor did establish a civil government in California, by exercising authority which Congress refused to give him." It is true, "that the dynasty which rules our country, has paid no respect to the opinions of the people, or of the representatives of the people; and in defiance of the constitution, has solved the great questions, which have agitated the country," by the exertion of his official authority. All this is true; and up to this moment, no friend of the administration has yet come forward, to justify an act of usurpation so glaring, and so injurious in its effects, to fourteen States of this Union.

The state of this question on the fourth day of March 1849, has not been forgotten. Congress had just closed one of the stormiest sessions, known to our political annals; during the whole of which, the question of governments for the Territories, constituted the theme of each days debate. The reference of the great question, which formed the only impediment to their establishment, to the adjudication of the Supreme Court, had been discarded by the North; the time-honored line of the Missouri Compromise, had also been rejected; and in despair of effecting any adjustment before the adjournment of Congress, in its last stages, the proposition was distinctly made, and supported by the South, to extend the laws and constitution of the United States over all the acquired territory, and clothe the executive with plenary power for their government, till Congress should otherwise ordain. Another proposition was just as distinctly made; to establish the law as it existed under the sovereignty of Mexico, and invest the President with like power for its enforcement. To neither of these plans did Congress lend a favorable ear, but adjourned, leaving the Territories just as they were during the period of the last administration. The present dynasty came into power. And scarcely had the Representatives of the people, left their seats in this Capitol, before schemes were set on foot, to do the very things which Congress had so peremptorily declared should *not be done.* The pliant emissaries of Executive power were dispatched in hot haste to California, carrying with them "the views of the President," and the programme of a government to be established at once, lest the ensuing Congress should make bare the long concealed opinions of the tenant of the White House, on the very question which had brought him into power. The Mexican law on the subject of slavery, which Congress refused to establish, was judicially determined by Executive decree, still to be the law of the land. The military governor of California was, in contempt of the constitution, clothed with the full powers of a civil functionary. Under the dictation of those from whom he held his commission, a convention is called, in the face of all precedent and all law, to carry into effect the known wishes of the President. All that relates to the qualifications of voters, is prescribed by this subordinate officer; thus wielding through the authority of the President, powers belonging to Congress alone, and by it refused to be granted. To this violation of all law, this disregard of all precedent, the motley inhabitants are instigated by the proclamation of the President to proceed; and that the power and patronage and influence of his official station, should be used to protect and defend them in the government they should form. And who, sir, were the suffragans in the formation of this State Government? Hosts of mere adventurers attracted thither merely by the lust of gold, with no settled purpose to make it their home. The conquered Mexican, with his pæon slave; the travelling black-leg with his faro box; the sailor who landed but the day before, and who left the day after the election; the Sandwich Islander, whose father had been a cannibal; the subjects of every despotism in the old world, and swarms from all the North were there. In fine, from every point of the compass, except from the injured South; that very section which had most contributed to the acquisition of the very country from an interest in which, they of all others, were alone excluded.

These, and such as these, gave form and impress to the government we are called upon to ratify. From influences like these, sprung the constitution we are called upon to sanction. Sir, was ever such usurpation exhibited under a government of limited powers? A Cæsar might have done this thing, or a Cromwell, or a Napoleon; but if so, it is only because each was a master in his own day, and they over whom they tyrannized, were the willing victims of imperial sway.

Sir, let it not be urged in defence of this act of "kingly prerogative," that it was the unprompted and deliberate act of the people who were in California. He that sets up such a defence but insults the intelligence of the people, and subjects himself to the imputation of a want of it, or else to the suspicion of a want of candor. The object was too palpable to mislead the least inquiring mind. If, to save the country from the horrors of anarchy had been the true, as it is the alledged, reason for Executive interference, this act of usurpation would be robbed of much that is obnoxious to severe reprobation. But such a conclusion is excluded by the fact that, for an opposite and contradictory reason, the President recommends that New Mexico and Utah, which are in like condition with California, be left without any government at all.

I cannot, therefore, Mr. Chairman, lend my sanction to a proceeding, which, whether its responsibility be referable to the President and his Cabinet, or to the heterogeneous inhabitants of California, is alike in violation of the constitution, and at war with all the precedents and all the usages of the Government, from its earliest dawn. I cannot, by my vote, settle the principle, that a handful of mere adventurers and irresponsible sojourners, without the first qualification of citizenship—ignorant of our institutions, and holding no sympathy with the principles of our Government—may seize upon the public domain of the United States without limit, and, in contempt of the rights of the proprietors of the soil, mould and fix the character of its institutions throughout all coming time. I will not, by my vote, ratify this arrogant and surreptitious appropriation of what belonged to all, to the benefit of a few, even though it is sought to be consecrated, under the specious, but flimsy pretext, of the right of self-government.

How then, are the parties to this great national controversy, affected by the California feature of this *projet* of compromise? Why, sir, it is wrested from the South by fraud and "*kingly prerogative*," and as "*The Union*," very properly remarks, "is a great point gained by the North."

But let us see if any equivalent for the entire surrender of California, is proposed to the South, in the next feature of this plan, as set forth by "The Union:"

"It provides for the establishment of territorial governments for the Territories of Deseret and Utah, *without* any legislation with regard to slavery. It adopts the principle of non intervention upon the subject of slavery, leaving the whole matter to the people of those Territories to settle and determine for themselves when they shall come into the Union as sovereign States. The South is willing to leave the question to the arbitrament of the constitution of the Union, and the people of the Territories interested, well knowing the natural impediments, *and the obstacles which may be interposed by existing civil institutions against the introduction of slavery into those Territories.* Therefore, so far in the proposed adjustment, the North gains a positive advantage in the admission of California, and the South *barely a possible one* in referring the question to the people of the new Territories."

It is true, sir, that as above stated, the South is willing to refer the question of its right to emigrate with its property to the Territories of the Union, to the arbitrament of the constitution. It never has insisted on any right denied by that instrument; and has already manifested its readiness to settle the whole controversy, by leaving it to the adjudication of the Supreme Court. Restore the order of things destroyed by the interference of the Executive; remand California to her Territorial condition; and give the usual forms of government to all the Territories, and she will still abide the reference her judgment once before approved. But the whole question as it now stands presents a new phase. California, backed by the entire North, claims to have authoritatively settled the question for herself. And the mere dependency of yesterday, with the port and mien of a master to day, demands as matter of right, admission into the Union of these States. The *status* of the controversy, as relates to the existence of Mexican law in the Territories, has also changed since the rejection of the Clayton compromise. At the time that measure was before the last Congress, there was scarcely any difference of opinion either in the North or in the South, as to the question of law. It was believed by the great body of Southern Representatives, that the issue would be settled under the law, in their favor, and hence they supported that bill. It was denounced by the North, both in and out of Congress, as a bill to extend slavery; and hence the great body of its representatives voted against and defeated it. It was not then believed by any considerable portion of the American people, that the law of a conquered country could continue to exist in a Territory wrested from it by the force of our arms; and although her title thereto was parted with, her jurisdiction withdrawn, and her right of eminent domain extinguished forever, could still survive, to war upon the civil rights, and brand the social institutions of fifteen States of the Union. But, sir, the heresy was broached. The North, true to its anti-slavery instincts, seized with avidity a doctrine so potent in its cause. And to-day it stands in this Capitol, clothed with a power and authority not less pre-eminent than could have been imparted to it, even though it had been solemnly determined by the highest tribunal known to our system. The entire North now declares that to be the law. The present administration also, although vested by the constitution with powers of a purely executive character, has usurped those which belong alone to the judicial department of the government, and has authoritatively declared such to be the law. Such also, is the opinion of the distinguished Senator, (Mr. Clay,) under whose auspices this plan of adjustment originated; and so he tells the South, at the very moment he commends it to her acceptance. And such, sir, is the opinion of the able editor of "*The Union*" also, unless I misinterpret him, when he speaks of "the *obstacles which may be interposed by existing civil institutions against the introduction of slavery into those Territories.*" I repeat, sir, the whole state of the question has been changed; not from any conviction as I believe, wrought in the public mind, but from policy, and changed to the detriment of the South. The flaming sword which the cherubim wielded before the portals of Paradise, to prevent the return of its ill-fated exiles, was not more potent to effect its object, than is this manufactured opinion, now

as omnipotent as law, to prevent forever the emigration of the Southern citizen with his property, to the Territories of the Union.

I do not doubt, that freed from that insensible bias imparted by public opinion to all tribunals, under a popular system of government, that even now, the Supreme Court would decide against the existence of the Mexican law in the Territories. But it must be apparent, that under circumstances as they now exist, no decision of the question can be had in such time as to be of any avail to the South. Property is timid, and men are not apt to hazard in a doubtful controversy interests already secured, for the mere purpose of testing a principle. Thus, sir, while the Southern citizen is deterred from the exercise of a constitutional right, by the operation of a public opinion wrongfully created, and artfully fostered, with a view to his exclusion, a population averse to the institutions of the South will rapidly fill the Territories. And while he is yet debating about his rights, the law of the country will have been fixed against him forever.

In this state of things, what, then, becomes the duty of Congress? If justice is not already a stranger to these halls, it is, sir, to solve this doubt. To end it by a removal of all supposed impediments arising under the Mexican law, to the emigration of the citizen with his property, from every portion of the Union. This, Congress has the constitutional right, and is in duty bound to do. It would not be, as some strangely insist, an act to establish slavery. It would simply leave the question to be settled, free from all embarrassment—whether under the constitution of the United States, slavery may not rightfully go upon the common territory of the Union and be protected; or whether it be an institution purely local in its character, and dependent for its existence upon positive law. By a test like this, the Democracy of the South were taught to believe their rights were to be determined, when in the last Presidential contest, their distinguished leader (Gen. Cass) declared that he was in favor of leaving the question to be settled "under the general principles of the *Constitution*." Nor did they dream that a policy so grateful to their sense of justice then, should now be abandoned, and their rights turned over to the arbitrament of *Mexican law*.

But, sir, it is in vain to expect so obvious an act of justice, as even the removal of such impediments as may possibly exist under Mexican law. The experiment has been sufficiently tested without success, in the other end of the Capitol; and it cannot be doubted that such a proposition would meet with even less favor here. It is therefore, true, as the editor of the Union has said, that the South gains "*barely a possible advantage*" in the Territories, should this plan of settlement be adopted. It might have been added, that the *probability*—nay, sir, the *certainty* of advantage, is all with the North. But let us examine the next in the series of measures proposed, which is thus set forth by "*The Union*:"

"3d. The plan of compromise before the Senate, proposes to *adjust the disputed boundary with Texas by giving her a satisfactory equivalent*, and by *honestly and faithfully carrying out the compact of annexation according to its true meaning*. This proposition involves nothing but an act of simple justice, and should meet with objection from no quarter."

This article of the compromise embraces, as will be seen, two propositions. 1. The adjustment of the Texas boundary. 2. The fulfilment

of the compact entered into with Texas by the United States, at the period of her annexation.

So far as the first proposition is concerned, I consider the question it involves as already settled by every principle of law and right. The independence of Texas was the result of successful revolution, and was recognized by the leading nations of the earth. And when, after having maintained her nationality for seven long years, she asked admission into the Union as an equal State, she presented herself with boundaries fixed and ascertained by her own constitution and laws, which this Government had no right to gainsay. The controversy she had had with Mexico, was not a controversy as to mere boundary. She was claimed to be but a revolted province of Mexico, whose rightful jurisdiction extended to the banks of the Sabine. That this claim was regarded as an unfounded pretension by this Government, is evidenced by the fact, that Texas was admitted into the Union in the face of the protest of Mexico. And when so admitted, she claimed her western boundary to be the Rio Grande, from its mouth to its source. By the resoultions of annexation, the United States assumed the office of adjusting a boundary with Mexico. Negotiations on this subject, although tendered by this Government, would not be entertained by Mexico. A war followed, which cannot be justified upon any hypothesis inconsistent with the claim of Texas. And the war itself terminated in the acquisition of territory far beyond, and embracing all that was ever claimed by Texas to be within her rightful jurisdiction. By the fact of her annexation to the Confederacy, the vindication of her boundary, in her own right, was taken away. For according to the terms of the constitution itself, she could not, as a State of the Union, hold a navy or army, go to war, or enter into negotiations with any foreign power. That duty devolved upon this Government; and according to every principle of justice and law, the country acquired from Mexico, inured to the benefit of Texas, up to the last inch of her asserted boundary. The United States cannot claim now, that any portion of it is beyond the limits of the State of Texas, and assert a right of property in themselves. To do so, would not be more unconscionable than if an umpire selected to adjust a matter of controversy, should purchase the claim, however exorbitant, of one of the parties, and then decide in favor of himself. So, sir, whatever doubt may have reasonably existed upon this question of boundary prior to the annexation of Texas, the whole world is now estopped from making it a subject of inquiry.

But what is meant by the specious phrase—"*adjust* the *disputed* boundary with Texas?" "Adjust" with whom? Not with Mexico. "Disputed" by whom? Not by Mexico. For so far as she is concerned, the boundary claimed by Texas, is conceded. And as the power to "adjust" was given to this Government only when Mexico was a party to the controversy, its powers as an umpire, are *functus officio*. And any portion of the territory claimed by Texas, which this Government may seek to appropriate to itself, will be taken in its character of an undisguised and shameless plunderer.

But, sir, let us view this subject from another point. By the resolutions of annexation it is expressly stipulated—

"That new States, not to exceed four in number, in addition to the State of Texas, may hereafter, by consent of said State, be formed out of the territory thereof. And that such of said States as may be formed out of that portion of territory lying south of 36 deg. 30 min. noth latitude, commonly known as the Missouri compromise line, *shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire.*"

It will be seen that the old line of separation between the slaveholding and non-slaveholding States, is hereby re-asserted. But the boundary which is proposed for Texas in this Senate compromise, takes four and a half degrees of territory lying *south* of that line, and turns it over to the dominion of Free-soil. At this time, the citizen of the South may settle with his slaves in any portion of that territory, free from all molestation. But pass this measure, and bring it under the jurisdiction of this Government, and from every foot of it he will be forever excluded.

Bnt this is not all. "A suitable equivalent" in the form of some twelve or fifteen millions of dollars, is to be paid to Texas for this surrender of her domain. But whence is to be derived this large amount of money? The South contributes her full proportion of it; and is thus made to pay for the privilege of being fleeced.

I trust that young and gallant State, although she struggles under the pressure of a large debt, may have virtue and firmness enough to reject the glittering bribe. I trust she will endure it, and look for relief to her own energy and the undeveloped resources of her boundless domain, rather than yield this great advantage to the common enemy of the South, in this gloomy period of its fortunes.

But what is offered to the South, in the *second* proposition of this article of the compromise? Why, that "the North shall *honestly* and *faithfully* carry out the compact of annexation," in reference to the admission of slave States to be formed out of Texas hereafter. That is to say, the North *pledges* itself to redeem a *pledge already made*. It enters into an obligation to discharge an *existing* obligation, to the fulfilment of which its faith and honor are *already* pledged. Why, sir, is the plighted faith of the North no better than a "dicer's oath," growing but the more worthless from its repetition? Are Northern "vows writ in sand?" The proposition is at once a reflection upon her own integrity, and an insult to the South! I will not accept as a *consideration*, the pledge of her "honor" and "faith" to perform that, which "honor" and "faith" already enjoin, by every sanction which belongs to truth and justice. As the *Union* has remarked—"This proposition involves nothing but an act of simple justice." Why, then, I ask, should it be urged as a consideration, in a measure of compromise? Every advantage derivable from the plighted faith of the North *already* belongs to the South; and to reiterate that pledge, would be but to weaken its force, and exhibit its worthlessness.

I now proceed to examine the next proposition in this plan of compromise, which is thus set forth by the *Union:*

4thly. "The passage of a bill more effectually carrying out the provisions of the constitution in relation to the securing of persons bound to service. This, also, is an act of justice, enforced by every obligation of good faith and good neighborhood."

Mr. Chairman, the right of the master to recapture his fugitive slave, in any State to which he may have fled, is a right arising under the constitution, and one which the North, in good faith, is bound to respect,

and assist in enforcing; and it being a right already secured by the constitution, the surrender of other rights on the part of the South, should not be the condition on which the North will observe its guaranties. The terms of that instrument are peremptory and unconditional. It declares, that a slave so escaping, "*shall be delivered up on claim of the party* to whom his service or labor may be due."

The Supreme Court of the United States, also, in interpreting that clause of the constitution, thus declared:

"The owner of a fugitive slave has the same right to take him in a State *to which* he has escaped or fled, that he had in the State *from which* he escaped; and it is well known that this right of seizure or recapture is universally acknowledged in all the slaveholding States." Prigg *vs.* Commonwealth of Penn., 16 Peters, 539.

Now, sir, let us briefly advert to the provisions of the bill on this subject. It, in substance, prescribes that the owner of a slave escaped shall first prove, before some court of record in the State of his residence, the fact of such escape, as also his right of property in the slave. This entitles him to an authenticated transcript of the record in the case, which, when presented to the proper officers of the State to which the slave has fled, is to be taken and held as full evidence of the fact *of escape*, but not of the *identity* of the slave, if other evidence be deemed *necessary*. That such a necessity would be deemed to exist in every case, no man can doubt in view of the public sentiment of the North upon this subject, as proclaimed by its representatives here, from day to day.

Now, sir, to say nothing about the trouble and expense necessarily to be incurred in proving the escape of the slave and the title of the master, in the State of his own residence; in the procurement of the transcript; in defraying the expenses of witnesses in passing from one State into another, to identify the slave; in paying the costs of the court, incurred in the State to which the slave has fled; to say nothing of all this, these *conditions* are such as Congress has no right to impose. They are such as are not imposed in any of "the slaveholding States." They are, in fact, mere interpolations upon the constitution itself, which imposes no condition, but peremptorily declares that the slave "shall be delivered up, on *claim* of the party to whom his labor or service may be due." And so far from "more effectually carrying out the provisions of the constitution" on this subject, they embarrass the master in the exercise of a plain right secured by that instrument. Nor can the complaints made by the North, that under this clause of the constitution their free negroes are sometimes kidnapped and sold into slavery, justify the attempt to alter that instrument in this informal manner. If such outrages are ever committed against their laws, the same constitution which protects the Southern master, is equally explicit in affording them a remedy.

But a still stronger objection exists against this bill, in that feature of it wherein the master is compelled, under the penalty of one thousand dollars, after he has returned with his slave to the place of his residence, to make himself, at the option of the slave, a party to a suit with him, to contest his right of property in him. To say nothing of the trouble and expense incident to such a proceeding, I regard this as a direct and dangerous invasion of the sovereignty and jurisdiction of the slavehold-

ing States. It is a bold attempt upon the part of Congress to interfere directly in the relation between master and slave, *within* the States. Should this bill become a law, and a case should arise under it, the slave would be entitled to his suit against his master, not by virtue of the law of the State where the suit may be tried, but under the law of Congress. And if Congress may assume to give a slave the right of action for his liberty, against his master, why may it not also give him the same right for work and labor done? A fugitive slave taken to-day in Massachusetts, (if such a case is supposable,) could claim no such right. But pass this bill and the right accrues at once, and could not be denied by the master, except upon the penalty of one thousand dollars.

It will not do, sir, to say that this is no *concession* of such a power, but that it is in the nature of a *compromise* with the North! It is time that the South should have learned some wisdom, from the compromises heretofore made with the North. She should remember that her good faith in carrying out the *compact* entered into with Virginia, before the constitution was adopted, and in observing the obligations imposed by the Missouri compromise, have all been interpreted by the North into a *concession* of the power of Congress to exclude slavery from the common territory of all the States. She should not fail to remember that even now, there are not wanting those who deny that any obligation rests upon the North to observe, in good faith, the compact made with Texas, in the resolutions by which she was admitted into the Union. Pass this bill, and dignify it as you may, by names and titles, and my life upon it, in time to come, it will be thrown into your teeth, as an acknowledgment of the right of Congress to interfere in the relation of master and slave, within the body of the slaveholding States. And this too, Mr. Chairman, *is a concession to the North.*

The last in the series of measures embraced in this plan of settlement, is that which contemplates—

5thly. The suppression of the slave trade in the District of Columbia.

This is an object long desired by the North, and as urgently resisted by the South. To-day, the citizen of the South, equally with him of the North, may introduce into the District, and dispose of, whatever may belong to him by the law of his State. But pass this bill, and at once, the citizen of the South will be stript of a right which will still be retained by the citizens of the North.

But this unjust discrimination between the citizens of the North and of the South, within a jurisdiction set apart for their *common* government, proposed as it is, not in compliance with any demand made by the people of the District, but in deference to the fell spirit of anti-slavery, is not the only objection to the bill. Pass it, and the long mooted question of Congressional jurisdiction over the subject of slavery in the District, will have been settled. It will prove to be but the introduction to the ultimate object—the total abolition of slavery itself in the District, and the creation of a free-soil Territory, in the very bosom of the slaveholding States. Adopt this measure, and a breastwork will have been constructed, from which the shafts of abolition will be thrown with most deadly effect against the entire social system of the Southern States.

In view of the avowed objects of the North, as daily proclaimed here and elsewhere, in reference to the institutions of the South, I trust that no son of hers, by supporting this measure, will furnish a weapon to be used against her hereafter. Let us not aid in building this armory of precedent. So that when the day shall come, that rends this Union in twain, as come it will, unless the madness of the North shall yield to a returning sense of justice, we of the South may be enabled to say—

"If Rome fall, we are innocent."

And now, Mr. Chairman, having examined the separate measures which make up the totality of this plan of compromise, let us balance the account between the North and the South, and see where the profit, and where the loss falls.

1. By trickery, fraud, and "kingly prerogative," the North *gains* all of California, and this the South *looses*.

2. By the *supposed* existence of Mexican law in the Territories acquired by the war, and which the North refuses to repeal, and by the existence of doubts upon this subject, which are as potent as law, to exclude the South, and which Congress refuses to solve, the *North gains* all of Utah and New Mexico. And all of this, the *South looses*.

3. The *North gains* one hundred and twenty-five thousand square miles of the territory of the State of Texas, running the proposed boundary far below the line of 36° 30′, and embracing enough of surface for three States as large as Alabama. Besides this, the North gains the proportional amount which the South must contribute for the purchase of a territory, from which her citizens will be excluded. And all this the *South looses*.

4. Under the pretext of more effectually carrying out the provisions of the constitution in relation to the recapture of fugitive slaves, the North imposes upon the South new conditions and new obligations not imposed or contemplated by the constitution, and secures a precedent for a direct interference in the relation of master and slave, within the jurisdiction of the slaveholding States. All this the *North gains*, and the *South looses*.

5. In suppressing the slave trade in the District of Columbia, the North effects an object on which it has been intent for the last twenty years, and establishes the jurisdiction of Congress over the whole subject of slavery therein; a principle which the South has uniformly resisted. So, here again, the *North gains* every thing, and the *South looses* every thing.

And now, Mr. Chairman, I would ask, in all solemnity, is this such an adjustment of this grave and important controversy, as the Southern States can accept consistently with their honor? Is it such a measure of justice as is due to their dignity and position; to their generous sacrifices for the common good of all, and their tried devotion to the integrity of the Union? In my poor judgment, a proposition more humiliating to their lofty pretensions, more unjust to their reasonable expectations, and more derogatory to their co-equality in the Union, could not be presented. If I stand alone, I will condemn it by my vote. Nor will I be moved by the cry of "peace, peace, the country wants peace!" This measure, of all others, will not bring peace! Nor will the craven

appeal, "that it is the best the South can do," win me to its support. The South can do no worse! The peace that tyranny imposes, can have no charms for a freeman. The measure of his rights, injustice may not limit. Better the perpetual struggle of right against might—better, far better, a never-ending resistance to wrong, than the cold and joyless repose which waits on conscious inferiority, and humbles the proud man's spirit to the lessons of obedience. And I tell you, sir, if the courage of the South be equal to her interest in this great controversy; if her memory still cherishes the recollections of her past glory; if the blood which once animated her mighty dead, is not now a languid current, coursing through the veins of degenerate sons, you may pass this bill, but she will never submit to it.

SPEECH

OF

HON. T. L. HARRIS, OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES, MARCH 25, 1850,

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. HARRIS said:

Mr. CHAIRMAN: I know not that at this stage of the debate I can say anything worthy of the attention of the committee, or that will throw any new light upon the topics under consideration. This discussion has been greatly protracted, and from the number of speeches already made, both here and in the Senate, and from the character and ability of those gentlemen who have spoken, it would seem that the subject ought to be, if it is not, entirely exhausted. Little remains but to notice some of the points which have sprung out of the discussion, rather than out of the simple question, upon which it is based. I shall proceed in the course I have marked out to pursue, although I feel assured, that after the two hours of excitement through which the House has just passed, I can hardly expect any remarks of mine will command that notice which, perhaps, under other circumstances, they might receive.

Before I do so, let me state what I judge to be the simple matter in difference on this question. By the treaty of Guadalupe Hidalgo, the United States acquired some five hundred and twenty thousand square miles of territory, for the protection of the inhabitants of which, legislation is necessary, either in the erection of territorial governments, or in the admission of it in proper subdivisions into the Union as States. The prevailing, and indeed universal opinion at the North is, that this territory is now free, and the general desire is that it shall ever remain free; while at the South, the desire is that it may, at least a large portion of it, become slave territory, or that it may remain open to the admission of slavery. This is a short statement of the whole question and ground of controversy, without considering the various shades of opinion entertained, either of the good or evil of slavery, or of the propriety or constitutional power for Congress to legislate upon the subject.

From this condition of things, two distinct propositions have emanated. One is, the admission of California as a State, now, as she has presented herself, with her constitution as she has framed it, and with her boundaries as they have been designated; the other is, the organization of governments for the remaining portions of the territories, either of a State or territorial form. On the first question, a portion of the South tell us they will make a *test* for the existence of the Union; while on the last, it is openly declared by many, that the erection of territorial governments by Congress for these territories, prohibiting slavery, shall be cause for a dissolution of this Union, or for secession. I regret that these declarations, in their threatening form, have been made. They have never been necessary or proper for the attainment of any object which ought to be desired by the South. If the South has been apprehensive that a course of legislation would be here urged by the North, which she judged would be detrimental to her interests, or an infraction of her rights, and which she desired to stay or avert, it was not necessary, to the accomplishment of those objects, that such declarations should be made as have been made, or such scenes enacted as we have witnessed in this House during the present session. Had gentlemen from the South but generally spoken in the tone of the esteemed and eloquent gentleman from Georgia, [Mr. WELLBORN,] who addressed the committee some weeks since, or in the noble and impassioned language of the gentleman from Virginia, [Mr. McDOWELL,] in his speech at the last session, which has been so universally read and admired, this whole difficulty might have been settled in a very short time, and to the general satisfaction of all parties and sections of the country. I regret that they have not; and I desire that, after such vaunts of chivalry, and such threats as have been made by some of the hot-headed gentlemen from the South on this floor—if it should so be that any northern gentlemen should be found voting with them upon this question—that they will not consider such votes gained to their cause by the course they have thought proper to pursue, and that, in any event, they will not take it ill, if some of the charges made by them against the North, are noticed and repelled—not in the spirit in which they have been made, but solely for the vindication of the truth.

Mr. Chairman, I am for the admission of California as a State into this Union—California as she is, with her constitution and proposed boundaries. I wish her to be admitted now; I wish no *remanding*—a thing that never was done at all, and never ought to be done in such a case as this. The constitution of California is all that could be desired, and in my judgment will compare favorably with the constitution of any of the States. It is eminently republican. Her boundaries are too large to meet my approbation, but after the most careful inquiry, as to the propriety of making them less, I am satisfied that we can now do nothing better, either for her or for ourselves, than to

take her as she is, with her vast commercial prospects, her untold treasures, and her rapidly-increasing, intelligent, and enterprising population. It is objected to the admission of California, that the President has improperly interfered in its organization, and that without his interference, through a certain gentleman, late a member of this House, she never would have applied for admission in the manner she has, and with such a constitution as she has presented. However improperly the appointment of an emissary to California may have been made, it is not my belief that it had the slightest influence upon the decision of the convention, or upon the people of California, and I am doubly satisfied of this after hearing the clear and forcible speech made on yesterday by the gentleman from Oregon, [Mr. THURSTON.] The organization of government in California, was the work of the people, urged by the necessity which existed from the neglect of Congress. If the people have a right to govern themselves, they have a right to originate government. The people of California have nobly exercised that right, and now ask Congress but to confirm what they have done. It will afford me pleasure to vote for that confirmation at the earliest possible moment. It will be a grand event, when that star of our empire from the West, shall be placed in the constellation of the Union, never to set, but like the sparkling gems from her mountains, shall flash the rays of light and liberty across the distant waters of the Pacific forever.

But, Mr. Chairman, we are told that the North seeks to exclude the South from these territories, and thereby confer exclusive benefits upon themselves. I am not aware, Mr. Chairman, of any design so to exclude the South, nor do I perceive how any inequality of rights would be established either by the admission or exclusion of slavery. If it be admitted, every northern man can possess himself of, and carry with him there, the same property that a southern man can; and on the other hand, if it be excluded, every southern citizen can take the same property there that any northern one can. The rights of both North and South will remain the same in any event. The political objection which the North has to the extension of slavery, over and above what they esteem its moral and social objections, is, the inequality which it works in the representation and influence of the States in the General Government. As an example of this, by taking the vote of the last presidential election, and calling that of South Carolina the same as Alabama, and classing Delaware (which Mr. CALHOUN calls neutral) as a free State, which from its small number of slaves may properly be done in this estimate, we shall have the slave States giving 894,329 votes, and the free States 1,981,810 votes, making a difference of 1,087,491 votes. This gives in the South one presidential elector for every 7,054 votes, and in the North one presidential elector for every 11,657 votes, while it gives each Representative in Congress from the South but an average of 9,936 votes, and at the North an average of 14,155 votes. These, I believe, are some of the reasons which influence many in their opposition to the extension of slavery—men, too, who will ever stand by all the guaranties of the Constitution, as it respects slavery where it now exists.

But, Mr. Chairman, there never was, in my opinion, any good reason for the agitation of the question of slavery in California. Others have thought differently. Some have agitated this subject from motives of duty, but by far the largest number, in my judgment, both at the North and the South, for political purposes alone. If slavery never can exist in California, on account of physical laws, which are insurmountable, then the northern man accomplishes nothing by its prohibition, and the southern man gains nothing by the omission of that prohibition. If the information given us from all sources is correct, the gentleman from Louisiana [Mr. CONRAD] is right, when he says "that it would be about as easy to introduce the 'culture of the cotton and sugar plants on the 'parched plains and snow-capped mountains of 'that country, as permanently to establish slavery 'there." A Senator from Tennessee [Mr. BELL] says, that "while the present organization of ma-'terial creation stands, African slavery can never 'find a foothold in New Mexico;" and a Senator from North Carolina, [Mr. BADGER,] I believe, expressed a similar belief that slavery can never exist in that country. Mr. WEBSTER thinks it never can exist there any more than amid "the everlasting snows of Canada," and that an act of Congress, excluding slavery from it, would be a thing unnecessary—would wound the feelings of others, and "do disgrace to his own understanding." Mr. CLAY also intimates that slavery never can go there, and says to the South: "If 'nature has pronounced the doom of slavery in 'these territories—if she has declared by her im-'mutable laws that slavery cannot and shall not 'exist there—who can you reproach but nature 'and nature's God?" Mr. Secretary WALKER expressed an opinion, six years ago, that slavery would never pass beyond the Del Norte. Mr. Buchanan said, in 1847, that it "*was morally impossible*" for slavery to go there; and General CASS in his Nicholson letter expressed the same opinion. Other distinguished authorities might be multiplied to any extent, and these, added to the opinions of all travelers and explorers, all proving as completely the same truth. With every one who would form his conclusions from the judgments of others, or with whom the opinions of others would have any weight, these authorities would be considered sufficient; and an examination of the subject will, with any one, work the same conviction.

But, sir, the highest southern authority [Mr. CALHOUN] tells us, that the Union is in danger, and that the cause of the danger is the almost universal discontent produced by "the belief of 'the people of the southern States—as prevalent as 'the discontent itself—that they cannot remain, as 'things now are, consistently with honor and safety 'in the Union." This is important language. "As things *now are*," the South cannot remain in the Union; and if we *change*, except in the particular line which they indicate, the result is to be the same. This is bringing the North to a straight gate and narrow way indeed. It is possible that this statement might obtain some credence, if there was any possible foundation for such a belief; but as it is, I am sure few, very few, will pay any regard to it.

We are told by the same authority, that the principal cause for this belief, is, because "the 'equilibrium between the two sections of the

'Government, as it stood when the Constitution 'was ratified, has been destroyed." I had supposed that the *Government* had not in early times consisted in, or been composed of, *sections*, but that the *Government* was a unit, even though the States might, unfortunately, class themselves into sections. But what was the equilibrium? Was it the fact that all were slave States? No, sir, but an equality between the free and the slave States, in population, weight, influence, and representation. Did such an equilibrium ever exist? Why, sir, at the time of the ratification of the Constitution, the northern section contained seven States, with fourteen Senators and thirty-five Representatives, and the southern section but six States, with thirty Representatives and twelve Senators. The next State which came into the Union was Vermont, adding one more to the northern section, two to its Senatorial and two to its Representative delegation; and for the first twenty-three years after the ratification of the Constitution, there was but a period of six years when the northern section did not exceed the southern, in respect of numbers and representation in both houses of Congress; and more than this, it was never intended that there should be such an equilibrium. At the adoption of the Constitution, although there were more States in the northern than in the southern section, yet even then, provision was made by the ordinance of 1787 for adding four more States to the Union, which were to be forever free—thus having, in prospect and in contemplation, eleven free States and six slave States. Nor is there any evidence that the framers of the Constitution, or the people of any of the States, then anticipated any greater or different number of either, except an increase of the number of free States, as contemplated by the ordinance of 1787, or by some of the other then slave States becoming free by manumission, or emancipation. But it is said, that the ordinance of 1787 is one of the acts which has deprived the South of its share in the territories. If this be so, it was a *southern measure*. Every southern State voted for it *unanimously*. If, then, this measure has wronged the South, they are responsible for it. Jefferson, Madison, and the whole southern delegation in Congress were responsible for it. It was their act. Let the South, then, not reproach the North for the ordinance 1787.

We are told that the Missouri compromise was another aggressive measure; but was not this, too, a southern measure? It passed the House of Representatives by a majority of southern votes—thirty-eight southern votes being for it and thirty-seven against it, while of the southern States, Delaware, Maryland, North Carolina, Alabama, Mississippi, Tennessee, and Kentucky voted for it either by their entire delegations, or majorities of them; and Virginia, Georgia, and Louisiana voted against it—South Carolina being divided in her vote. If this measure is one, then, which has disturbed the equilibrium spoken of, it can by no means be charged upon the North.

The exclusion of slavery from Oregon is another item charged by the same authority to the same account. But was not this a mere piece of super-legislation? Was not slavery already excluded from Oregon by the act of March 6, 1820? There can be no doubt of this, nor can there be any doubt that its exclusion by that act was by a majority of southern votes. The clause in the Oregon bill added nothing to the restriction, and slavery would have been as effectually excluded if that bill had been silent on the subject.

Mr. Chairman, what do gentlemen from the South desire? Do they wish all the territory acquired to remain slave territory? Except California, there has never been a foot of land acquired by this Government which was not slave territory. First came Louisiana, with her vast domain, extending from the Gulf of Mexico to the frozen North, and from the Mississippi to the Pacific ocean. Then came Florida, and then Texas—"great, and vast, and illimitable Texas"—each of them all, and all of each being slave territory. Texas alone is nearly as large as California, and capable of sustaining a population ten times as great, if not ten times greater, than all our territory west of the Rocky mountains. This is no inconsiderable matter. In posting up, it is hardly correct to have figures which stand for cents taken and counted as dollars. No equilibrium of States, of territory, of population, of interests, ever was originally contemplated—ever existed or can exist; and any attempt to effect any such equilibrium, would be attended with more difficulty and trouble than can ever result from the absence of such equilibrium.

There has been a great deal said of the revenues and expenditures of the Government—that the former are so arranged as to be oppressive, and the latter unjust, to the South. If this be so, it is a great wrong; but until I hear some fact or argument adduced, to support this statement in relation to the revenues, I shall not discuss it. But so far as the disbursements are concerned, I have procured an examination to be made by one of the most intelligent clerks of this city, at the cost of great care and labor, showing the amount expended in the United States for all local appropriations (omitting for navy-yards, the Military Academy, and District of Columbia) for a period of ten years, by which it appears that the amount expended North is $10,024,702, and the amount expended South is $9,110,956. This gives, on the census of 1840, at the rate of $1.02 7-10 for every free white person in the North; and at the rate of $1.90 for every free white person at the South; and on the basis of the entire population, whites, free negroes, slaves and all, it gives at the rate of $1.01 for each person at the North, and $1.21 for each person at the South; while on the basis of the presidential vote of 1848, the amount appropriated North averages $0.50 5-10 for each voter, and at the South, $1.01 8-10 for each voter, or more than twice as much at the South as at the North.

I have the utmost confidence in the correctness of these figures, and I challenge their refutation. Is it not strange, then, Mr. Chairman, that our southern friends should have worked themselves into the belief—which I have no doubt they honestly entertain—that the expenditures of this Government have been made unjustly to the South?

Again, sir, one gentleman has instanced the number of light-houses at the North, as another evidence that the South has not received her share of public favor. He has told us that the light-houses at the North flashed their lights upon the waters thick as the stars of Heaven, while at the South they were left in darkness; but I find by

examination that the *expenses* for floating lights, light-houses, beacons, and buoys, including salaries of keepers for the year ending June 30, 1849, were, in the free States, $156,586.79 1-3; and in the slave States, $167,422.26—making the *expense* greater in the South than in the North by $10,835.46 2-3. So much for this point.

But, Mr. Chairman, several gentlemen, both here and in the other end of the Capitol, have relied upon an article in a late number of the Democratic Review to show that the North is reaping upward of $88,000,000 from its connection with the South, while it is careful not to show that the South derives any benefit from the North. I know not who is the author of that article—an article which displays in many respects much ability, but its partial statements and errors never ought to have been allowed a place in that journal. The following table among others has been quoted to show the dependence of the North upon the South:

Freights of northern shipping on southern produce	$40,186,728
Profits derived on imports at the North for southern account	9,000,000
Profits of exchange operations	1,000,000
Profits on northern manufactures sold at the South	22,250,000
Profits on western produce descending the Mississippi	10,000,000
Profits on northern capital employed at the South	6,000,000
Total earnings of the North per annum	$88,436,728

This, sir, is reckoning up accounts at a dash, but it is reckoning without the host. Is it not as advantageous for the South to have her produce carried, as it is for the North to carry it? And if it is not, why do they not carry it themselves? And if this labor performed by the North injures the South, do not others who perform labor for the South injure her in like manner? The item of $9,000,000, "profits derived on imports at the North for southern account," is based on the assumption that the South consumes as much as the North—an assumption wholly unwarrantable and without proof. But were it correct, how would it be offset by "*profits derived to the South from exports on northern account?*" and how would "profits on northern manufactures sold at the South" be offset by "*profits on southern produce sold at the North?*" And how would "profits on western produce descending the Mississippi be offset by *profits to the South from having the Mississippi flow at all?* The one charge is as proper and as pertinent as the other; and how would "profits on northern capital employed at the South" be balanced by *profits to the South from the use of northern capital?* And as the writer makes very gravely a part of this item of $6,000,000 to consist of "amounts expended by southerners coming North in the summer season," how very nicely could be posted up against that, *instruction to the South in polkas and cotillons at Saratoga, comforts by sea-baths and clam-bakes at Newport*, and *wonders at sights of the sea-serpent off Nahant?* by no means omitting the item for *tuition by Yankee schoolmasters at the South in the winter season.* If there is anything trivial in this reply, the answer is, that the reply partakes of the nature of the proposition. Any suppositions drawn from such tables, that the North derives exclusive advantages from, and at the expense of, the South, is not only frivolous but foolish.

There is a matter to which I will refer in this connection, which I have never heard spoken of in way of complaint by the North, or scarcely noticed at all. Nor do I allude to it in way of complaint, but to sustain the position which I have taken—I refer to the revenues and expenses of the Post-Office Department. For the exposition of this matter I have taken two years, not knowing that they differ in results from other years. I take the year ending the 31st March, 1833, and the year ending June 30, 1847. Sir, the first year I find the amount of postage received in free States was $1,109,709 92, and the expenditures in the same was $970,946 43; while the amount received in the slave States for postage was $591,622 83; and the expenditure in the same time was $961,-935 27—leaving the revenue over the expenditures at the North $138,763 49, and the deficit at the South from the expenditure exceeding the revenue $370,312 44. Take, again, the latter year. In the free States the revenue was $1,659,412, and the expenditures $1,083,307. In the South the revenue was $684,079, and the expenditures $1,318,511—making a surplus North of $571,104, and a deficit South of $654,462. I make no complaint on this occasion; but I very much fear, if this difference were reversed, and had been in existence for twenty or thirty years, or more, that we should hear much of oppression and injustice, if not threats of "modes and measures of redress."

It has been stated, Mr. Chairman, that of the troops *employed* in the war with Mexico, the South furnished nearly twice as many as the North, and that, as the acquisition of California was the consequence of that war, that the South has peculiar claims from that circumstance to a full participation in the enjoyment of that acquisition. I shall not question the right of every portion of the country to participate in that enjoyment, but I wish to correct a misapprehension growing out of that statement, particularly so when that statement was deemed of sufficient importance to be put forth with the more than famous Southern Address. This misapprehension has been caused by taking the *number* of volunteers—including those illegally and irregularly called and mustered, whether they performed service or not—instead of the *amount of service* performed. The *number* includes many who served but a very short time, or were discharged without any service; so that the quotas furnished by no means show the proper fact to be sought for, which is, the *amount of service* performed. The report of the Secretary of War shows the States to have furnished volunteers for that war as follows:

Massachusetts	1,057	Maryland and District of Columbia	1,355
New York	2,396	Virginia	1,320
New Jersey	425	North Carolina	935
Pennsylvania	2,503	South Carolina	1,077
Ohio	5,536	Georgia	2,132
Michigan	1,103	Alabama	3,026
Indiana	4,585	Mississippi	2,423
Illinois	6,123	Louisiana	7,947
Wisconsin	146	Tennessee	5,865
Iowa	253	Kentucky	4,842
Mormons	585	Missouri	7,016
From free States	24,712	Arkansas	1,523
		Florida	370
		Texas	8,018
		From slave States	47,649

Difference in favor of slave States, 22,937.

This includes all the volunteers in service in that

war, except the California enlistments, which number five hundred and seventy-one, and certain re-enlisted volunteers numbering eight hundred and forty-four. There were enlisted also twenty-one thousand and eighteen men for the old regiments during the war, and thirteen thousand nine hundred and ninety-one men for the ten new regiments, including the voltigeurs. Taking two thirds of these as northern enlistments—which I am satisfied is less than the real number—we have forty-eight thousand and fifty-two northern men, and fifty-nine thousand three hundred and eighteen southern men. But to ascertain the *amount of service* during *the war*, we must deduct one thousand and forty-five from the Texan volunteers raised in 1845, and from the lists of Alabama, Texas, Missouri, Ohio, and other States—those who were raised before the war, or were discharged without service, and without leaving their place of rendezvous, or the State where raised. From this, also, should be deducted those volunteers illegally called out, who served but for a few days or weeks; for it is certainly unfair to include those who obtained positions only on account of their proximity to the seat of war, and who were disbanded almost immediately after their organization. If this is done, we shall find that the North furnished the largest number of men *for service* in that war; and computing the *amount of service* rendered by the volunteers of each State, as accurately as can be done without taking the time of each man separately, and it will be as follows:

	Months.		*Months.*
Massachusetts	15,800	Maryland and District of Columbia	15,000
New York	29,700	Virginia	9,100
Pennsylvania	38,200	North Carolina	14,100
New Jersey	4,600	South Carolina	17,200
Ohio	54,600	Georgia	23,900
Indiana	73,800	Alabama	13,100
Illinois	75,100	Mississippi	25,100
Michigan	8,100	Louisiana	28,300
Wisconsin	1,800	Tennessee	48,000
Iowa	2,100	Kentucky	49,200
Mormons	5,600	Missouri	65,700
Total	309,400	Arkansas	12,800
		Florida	3,000
Difference	56,100	Texas	41,000
			365,500

The difference in favor of the South is about equal to two full regiments for the war. This estimate does not include the ten regiments or the regulars who enlisted *for the war*, and on *account of the war*. Were these included, it would be found that the North furnished service equal to 813,648 months, and the South equal to 627,625 months, making a difference in favor of the North of 186,013 months. If there is any doubt on these points, I will cheerfully unite with gentlemen in passing a resolution of inquiry, which would not only give us valuable information as to the *amount of service* furnished by each State respectively, but forever settle the question. I would be much gratified in this, for I believe my own State furnished *more service* than any other State in the Union.

Similar was it in the war of 1812. The South furnished the greatest *number* of volunteers; but the North the largest *amount of service*. I have prepared tables of the *militia* and *volunteers* in that war, which show the *number* of officers and soldiers from each State, as follows:

Northern States.	Officers.	Non-com. officers.	Soldiers.
New Hampshire	335	676	4,914
Massachusetts	2,514	5,314	38,853
Rhode Island	63	110	737
Connecticut	800	1,532	7,871
Vermont	400	691	4,145
New York	5,719	10,682	61,495
New Jersey	396	808	4,808
Pennsylvania	2,170	3,679	23,369
Ohio	1,806	3,407	19,490
Indiana	240	430	2,710
Illinois	123	233	2,601
Michigan	41	66	443
Illinois Rangers	32	83	855
Indiana Rangers	62	158	893
	14,701	27,869	172,619
Aggregate North			215,189

Southern States.	Officers.	Non-com. officers.	Soldiers.
Delaware	234	449	3,155
Maryland	3,517	5,879	43,263
Virginia	5,623	11,219	75,049
North Carolina	760	1,250	12,127
South Carolina	644	1,236	9,343
Georgia	742	1,185	9,630
Kentucky	1,371	2,307	16,561
Tennessee	2,046	3,357	22,430
Louisiana	686	1,273	7,727
Missouri	116	197	1,243
Mississippi	430	827	5,098
District of Columbia	309	526	3,712
Missouri Rangers	21	72	809
	16,599	29,777	210,147
Aggregate South			256,433

A large portion of these volunteers served for a few days or weeks only, so that very little indication is given of the amount of service; but I know the North furnished her full share—bitterly Federal and anti-war as was then most of New England. But if the regulars are included, and their service computed, it will be found to amount to about 620,000 months' service for the North, and 310,000 months for the South. It has been a subject of remark, by the officers of the departments, for more than thirty years, that three fourths or four fifths of all the enlistments, both for the army and navy, were made at the North.

While upon this subject, Mr. Chairman, it occurred to me to ascertain the number of troops in the revolutionary war, and in the subsequent Indian and border troubles—the latter of which I shall publish with my speech.* For the continental line of the Revolution, the North furnished 172,436 men, and the South 59,335 men—a difference in favor of the North of 113,101 men. I have no means of determining the length of service.

But, sir, these comparisons are all disagreeable to me, nor would they be made, except in reply to those already drawn to the prejudice of the North. So far as the South has cause of com-

* In Wayne's army, 2,843 men; in Seminole war, 413 officers and 5,498 men; Black-Hawk war, 491 officers and 4,540 men; Florida war, 1,621 officers and 28,332 men; Creek disturbances, 794 officers and 11,689 men; Southwestern frontier, 161 officers and 2,642 men; Cherokee country, 236 officers and 3,620 men; New York frontier, 115 officers and 1,031 men.

plaint against the North or citizens of the North—and I know they have cause—I for one am ready to coöperate at once in the passage of such laws as shall enforce the requirements of the Constitution. But the South must get over their extreme sensitiveness, because of Abolition speeches made or papers published at the North. Why, sir, I wish the Clerk to read some remarks made in the Legislature of Virginia in the session of 1832-3. [The Clerk read as follows:]

"Slavery is ruinous to the whites, retards improvement, roots out industrious population, banishes the yeomanry of the country, deprives the spinner, the weaver, the smith, the shoemaker, the carpenter of employment and support. This evil admits no remedy; it is increasing, and will continue to increase, until the whole country will be inundated with one black wave, covering its whole extent, with a few white faces floating on the surface. The master has no capital but what is invested in human flesh. The father, instead of being richer for his sons, is at a loss how to provide for them. There is no diversity of occupations—no incentive to enterprise. Labor of every species is disreputable, because performed mostly by slaves. Our towns are stationary, our villages almost everywhere declining, and the general aspect of the country marks the curse of a wasteful, idle, reckless population, who have no interest in the soil, and care not how much it is impoverished."

This language was spoken by Mr. Marshall of Fauquier county, and similar, if not stronger, language was used by other distinguished gentlemen of that State on the same occasion; but we hear of no such language now being used there; and if the like should be uttered by a northern man, or printed in a northern paper, and circulated South, a fearful clamor would follow. Sir, I see no propriety in the Abolition furor, which has raged in the minds of certain northern fanatics, which leads them to disregard law, constitutional obligations—everything—in the vain pursuit of this one idea. I scorn and despise all fanaticism, whether originated and fostered in the salt, coal, or cod-fish regions of the North, or in the cotton fields of the South; and while I am compelled to say, that in my opinion northern fanatics originated this excitement, I am further compelled to say, that I believe it never would have grown into consequence but for southern countenance, southern carping, and southern morbid sensitiveness.

And now, having reviewed these topics, let me ask, is there anything in the question of the admission of California, or in any of these alleged causes of complaint, to justify the excitement we have seen, and the threats we have heard in this House? And yet, a deplorable state of things has been upon us—is still upon us—growing out of this question. Why is it, that after so long a career of prosperity, the result of union, of harmony, and good-will—when the eyes of the oppressed of mankind are turned to us in hope, and their hearts in prayer to Heaven for our success—when every American sentiment ought to be in unison, and every American arm ought to be exerted for our common good—why is it, that distrust, discord, and disunion of feeling, distract our councils, enervate our strength, and stamp every brow with care and anxiety? Why is it, that legislation halts in her course, and finds her place usurped, and the time that should be devoted to her, occupied by the devotees of passion, of bitterness, of denunciation? Why is it, that hints, threats, and calculations for the dissolution of the Union, are made by those who, as all believed a few days ago, would cheerfully have offered their lives for its perpetuity? Why is it, sir, that the gallant spirits who but yesterday stood shoulder to shoulder in a common cause, to meet the shock of war, are to-day ready to disband their glorious army, put themselves in hostile array against each other, and with muskets loaded, and cannons pointed, stand awaiting only the word of some more reckless mutineer, to commence the work of fraternal murder? And all for what? Because of a petty quarrel about dividing the spoils of the camp! Is it pride that would thus lead us to our destruction? Has the happiness on which we have rioted produced a surfeit? Have abstractions blinded us to realities? Have fancied duties and obligations to a part, made us forget our duties and obligations to the whole? Sir, I fear that there is a political, a mental, a moral disease, which has broken out in our land, both North and South, more to be dreaded than any pestilence which ever depopulated cities, or carried desolation among the nations of the earth. Would to God that some physician might appear, endowed, qualified—commissioned, if it might be, by God himself—to arrest, to eradicate this terrible malady! But, sir, let us not despair, but set about reconciling at once, these conflicting views, and harmonizing these discordant elements. Let the North and the South yield their extreme opinions; and let the great West and Northwest, where ultraisms less prevail, now become—as those portions of the Union are destined to become—the regulating power of the country, and all will soon be settled to the satisfaction of all sections of the Union. Admit California at once, provide territorial governments for the remainder of the territories, without offensive and unnecessary provisos, adjust the Texan boundary, abolish the slave-trade in the District of Columbia, and provide for enforcing the guaranties of the Constitution. Thus will all be arranged—union will again appear among us, and harmony once more prevail in all our deliberations. I hope, sir, it will be done, and done speedily.

But a convention is to be held at Nashville which is to cure all these ills. And how—by what means? Sir, if that convention meets at all, it will meet in my judgment for disunion; if not for that, for what is it? Are the impulsive gentlemen of the South to assemble after their turgid proclamations and formal pronunciamientos, and resolve that slavery is a blessing, and then adjourn? Sir, that would be puerile; after what has taken place, anything will be puerile which is not violent. If it meets, it will be for no ceremonies nor formalities. Its call was made to depend on a contingency which has not happened; yet we are told that the convention will go on. When we ask southern gentlemen what it will do, they tell us they "cannot say what it will do, but it will take care to protect the honor of the South, and to provide for the redress of grievances." Sir, it is for disunion, and nothing but disunion.

Mr. THOMPSON, of Mississippi, (Mr. HARRIS yielding the floor,) begged to say a single word in reply to the question of the gentleman from Illinois. The gentleman had said that the object of this convention was disunion. Now, he was well assured by those who were competent to speak of the purposes of this convention, that it contemplated no such thing. They allege that its object is to establish some secure platform, on which all the southern States may be able to

take their stand, for the preservation of their common rights and their honor, now menaced by the North.

Mr. HARRIS. I perfectly understand the whole thing. It is disunion, and nothing but disunion. A platform—a platform on which to stand? What better platform is there—can there be—than the Constitution? It is a platform on which every true-hearted American can stand, and stand securely forever. Shame, shame on the man who can, without a blush, proposes to substitute for that sacred instrument, formed by the great, the wise, and the good of our ancestors, under the benignant auspices of God himself, any petty, paltry, sectional platform, made, or to be made at Hartford, at Nashville, or elsewhere! If such a convention does meet, and for such a purpose, the citizens of Nashville will not allow its session for an hour. They will never permit their city to be made the den of a treasonable conclave. They will never give countenance to assassins of the Constitution. They will permit no such stain upon the page of their history, nor any such pollution to the soil which holds the bones of Andrew Jackson and James K. Polk. The Hartford Convention would be forgotten under the damning shame and infamy of one which, under any conceivable pretext that can now be made, would rend this Government into fragments—and that over the tombs of the illustrious dead of Tennessee.

But perhaps I attach more importance to this projected movement than it deserves. One thing is certain—the citizens of Nashville have ever been celebrated for their hospitality, and if such a convention does assemble there, its members will be recipients of it to the full extent of their merits. They will doubtless be well fed and clothed. Even the boys will see that they are plentifully supplied with stale eggs, and most appropriately and suitably clothed in respectable suits of tar and feathers.

I spoke, Mr. Chairman, of rending this Government into fragments—and would not any sort of separation so result? What sort of geographical or commercial affinity has Maryland and Virginia for Kentucky, or the valley States with the seaboard, or Texas with either. No, sir; as the venerable Senator from Texas exclaimed not long since, "Texas came into the Union of these States; when that Union ceases, Texas goes out." Besides, the same causes which have driven slavery from the northern States, must soon drive it from Maryland, Virginia, Kentucky, and Missouri; and the work of disunion would have to be re-enacted. What folly, then, to agitate a proposition which by no possibility can confer a solitary advantage upon any one, but which must lead to disasters, to miseries, to horrors, which no mortal can describe or imagine.

The gentleman from Alabama [Mr. HILLIARD] has gravely informed us, that if "this Government should be rent assunder, the mouth of the Mississippi will belong to the South." This, sir, is a matter of no little importance to my constituents, and to the people of my State. And to put it beyond dispute, I propose a compromise, and that is, that the South shall hold the mouth of the Mississippi undisturbed, as they now do, *while the Union exists*, but I will make no pledges *after that*. I hope this proposition will be acceptable to that gentleman, for I am positive that it will be more advantageous to the South than any other arrangement that possibly can be made.

The gentleman from North Carolina [Mr. CLINGMAN] has been pleased to inform us that the cry of "Union" is "senseless and insane;" and he informs us further that he is "disgusted with it." Sir, it is nothing new, in cases of mental hallucination, for those who are laboring under its influence, to fancy all persons insane but themselves. This seems to be a case in point; and I have no doubt that the constituents of that honorable gentleman, who is so grievously afflicted, will take good care, if they do not consign him to a mad-house, to place him in quiet retirement, which his complaints seem so much to require, and his conduct deserve.

And we have been further told by the honorable gentleman from Georgia, [Mr. STEPHENS,] that we cannot preserve the Union "by singing pæans to the Union." This may be true; and yet, sir, I trust that pæans to the Union will never grate harshly on an American ear. To me there is richest music in the song of the Union, and from sentiments which were subsequently uttered by that gentleman, I am sure it is not disagreeable to him. With such a theme for song, well might the great poet apply his test to determine who it is that are

"Fit for treason, stratagems, and spoils."

I love to listen to every expression of devotion to this Union. Such has ever been my delight; nor can I hear, without the deepest interest and emotion, sentiments "for Liberty and Union, now and forever, one and inseparable." They are those high and holy sentiments which are chambered in the consecrated recesses of patriotic hearts, and come forth on occasions of great public concernment or peril.

Sir, I have always been a party man. My convictions upon the general questions of party have been deep and controlling. I have been found acting with that party whose principles and measures were, and are, in my judgment, best calculated to promote the welfare of the whole country. I have ever been a Democrat; and it is my conviction now, that had the patriotic Senator from Michigan been elected to the presidency, we would have been spared the dangers and excitements which have distracted the country and this House. He was defeated—by what means I need not now say; it is a sufficient vindication of his views, that the doctrine of non-intervention, as advocated by him, has now been approved by the great leaders of the Whig party. But, sir, I must act in conformity with things as they exist, and as my sense of duty directs. In times of public peril, party as party should become *nothing*, and our country as our country should become *everything*. And I say here to-day, that whenever my vote may be needed, or my assistance be of service in maintaining the integrity of this Union, they shall be ready; and in such an emergency, I shall stand by this or any other Administration, so long and so faithfully as it stands by the Constitution.

But, Mr. Chairman, let all these schemes, thoughts, and speculations for disunion, be abandoned. Let them, with their originators and supporters, be consigned to those realms of discord and pits of horror, where they belong. DISUNION, sir? Gentlemen do not know the meaning of the

word they use. DISUNION is the dissolution of all government—the dissolution of society. Dissolution is war—civil, desolating war. When the sections of this Confederacy are so far alienated from each other as to endure disunion, they are so far alienated as to produce collision. I need not speculate on the immediate causes, whether it would be the questioned right to navigate the Mississippi, disturbed commercial relations, attempts to secure absconding runaways, or the mere love of martial renown. A collision would take place, forces would be increased, and opposing armies would be in the field. In such an event, carry yourself in imagination to some lofty peak of the Alleghanies, from whence you may behold all parts of this vast country at a glance; where now commerce moves her busy throng; where cheerful labor drives his team a-field, or plies his busy implements; where peace presides; where virtue dwells in security; where happiness has made her constant home, and claimed us all as her children; all would be changed. The thunder of cannon, the shock of charging squadrons, the shouts of combatants, the glitter of arms, the smoke from desolated towns, the flames from burning dwellings, the shrieks of women and children, would unite to complete the scene of horror—the consummation of calamity. But when the imagination is exceeded by the reality; when the land is made desolate; when your commerce is destroyed; when all means are exhausted in the prolonged and dreadful contests; when patriotism is supplanted by selfishness; when nationality ceases; when the American flag is seen no more; when "discord reigns forever," then, and not till then, will gentlemen who use it know the full meaning of the word DISUNION.

But this cannot be. There is a necessity which binds us together, as immovable as the mountain's range, and as lasting as the flow of the mighty rivers of the West. Nothing can avoid it—nothing can remove it; time only adds to its strength. The glories of the past, the happiness of the present, the hopes of the future, all increase its strength and influence to bind us together; and so shall they continue to increase to the latest generation. Let us cherish this spirit of union; sustained and enlivened by it, our Constitution,

> ——"like a spirit of fire
> Shrined in its own grand element,"

shall remain a lasting and a living light, to guide the people and the nations of the earth to the highest summit of political happiness and social perfection.

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SPEECH

OF

MR. HEBARD, OF VERMONT,

ON

THE PRESIDENT'S MESSAGE,

COMMUNICATING

THE CONSTITUTION OF CALIFORNIA.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, U. S., IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION, MARCH 14, 1850.

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SPEECH.

In the House of Representatives, March 14, 1850, in Committee of the Whole on the state of the Union, on the President's Message communicating the Constitution of California.

Mr. CHAIRMAN: There are periods and lustrums in the history of all Governments, when matters of more than ordinary interest engross the attention of the public. And if any apology is needed for trespassing upon the time of the committee, it may be found in the importance of the subject under debate. But, sir, I trust we shall not be called upon to undergo the formality of making apologies, when matters grave enough to threaten the dissolution of this Union are hanging upon our hands, and calling for our action. I have no wish or desire to add to the excitement that has already taken possession of our deliberations, neither do I wish on such an occasion to conceal my sentiments.

The full, free, and unrestrained expression of our opinions is one of the essential requisites to a free Government.

The debate has been one of a most extraordinary character, and manifesting extraordinary interest, and has been to me one of novelty and astonishment, and has admonished me of the necessity of being prepared for all emergencies, without being astonished at any thing. Few and fleeting have been the years since it would have been regarded as evidence of a wandering intellect, for a man seriously to have talked of the possibility of a dissolution of this Union. But here, sir, gentlemen have not only talked of the *possibility*, but even of the *probability* of the dissolution of the Union, and have as coolly calculated the benefits to result from it as they would calculate the value of a crop of *cotton* or *tobacco*. But, sir, I have no calculations of this kind to make. I do not expect nor believe that this Union is about to be dissolved. I believe, sir, that the Union is to continue to shower down, upon its increasing millions of inhabitants, its blessings of *peace*, of *prosperity*, and *happiness*, of *glory* and *renown*, until such time as an inscrutable Providence shall otherwise decree, as a punishment for our sins of ingratitude for our political blessings. I trust that this Government will stand "the asylum of the oppressed, and the home of the free," as long as we deserve to be a free and a happy people.

In the discussion of this subject, sir, I have no flowers of rhetoric with which to strew the arena, nor shall I seek for words of polished diction with which to clothe my sentiments; the occasion does not demand it; it is an occasion that should call forth the words of "truth and soberness." Neither shall I seek to inflame the passions, or call up the prejudices of one section of our common country against the other. But I propose to examine some of the arguments of gentlemen upon the subject before the committee, and at the same time present my own views.

Gentlemen have declaimed upon this subject as if slavery was their only *present solace*, their only *future* hope. But I hope and trust, sir, that they have greatly overrated its importance. And for what is this Union to be dissolved? Why, it is said that the North have made aggressions upon the South; that the institutions of the South are threatened; that the North contemplate a course of legislation that is subversive of their dearest rights. In the making of laws I recognise "no North, no South." Laws are to be made for the common benefit of all; to diffuse their blessings and their burthens upon all alike. But, sir, after what has been said, and so well said, by other gentlemen, upon the subject of these aggressions, I should have contented myself to have passed this part of the subject in silence, had not the State which I in part represent, been most unnecessarily and untruthfully made the subject of this charge. It is easier to make a charge than to prove it, and hence I suppose the repetition of the charge is made a substitute for the proof. Sir, the people of Vermont are a law-abiding people. They are not conscious of having made or threatened to make any aggressions upon other States. She has no wish to interfere with the rights of others; but while she respects the rights of other States, all who are acquainted with her history will admit that she has been able to take tolerably good care of her own. While she accords to others the free exercise of those constitutional rights, the freedom of speech and of the press, she has no idea of relinquishing the exercise of those rights herself. It will be recollected that early in the session my colleague, (Mr. PECK,) presented to this House, certain resolutions of the legislature of Vermont upon the subject of slavery. These resolutions have been made the subject of severe criticism in the other wing of the Capitol, as well as in this House. The gentleman from Arkansas, some time ago, in an address to his constituents, a copy of which he was so kind as to lay upon my desk, in relation to those resolutions, indulges in the following remark:

"Already has Vermont asserted in solemn legislative action, that *Congress has power over slavery in every State, except the original parties to the compact.* Five of the slave States were parties; *the*

other nine were not; and of course, by this doctrine, Congress has power to abolish slavery in them. The doctrine seems monstrous now, but so did the same doctrine when first applied to the District of Columbia and the Territories. It excites unmitigated disgust and bitter denunciation now, but so did all the early efforts of abolition. Time will sanction this, as it has done all the past; and, in fifteen years from this, every northern State will have adopted the Vermonters platform. Would you then submit, or would you dissolve the bonds of the Union?" So, then, because the legislature of Vermont, in the judgment of the gentleman from Arkansas, entertains an erroneous *opinion* of the powers of Congress, he would "dissolve the bonds of the Union." The gentleman from North Carolina, Mr. Venable, has indulged in the same strain of remark upon those resolutions, and says: "Those of the State of Vermont, in advance of all heretofore passed, actually claim the right to abolish slavery in the States admitted since the adoption of the Constitution; and yet the current sets stronger, and presses with a mightier force." The resolution which has received so severe a commentary from the two gentlemen is as follows:

"Resolved: That the so called 'compromises of the Constitution' *restrained* the Federal Government from interference with slavery only in the States in which it then existed, and from interference with the slave trade only for a limited time, which has long since expired; and that the powers conferred upon Congress by the Constitution to suppress the slave trade, to regulate commerce between the States, to govern the Territories, and to admit new States, &c., may all rightfully be used so as to prevent the extension of slavery into territory now free, and to abolish slavery and the slave trade wherever either exists under the jurisdiction of Congress."

I might here submit to the world, which deserves to receive the most "unmitigated disgust and bitter denunciation," the simple statement of a historical fact, or the unjustifiable distortion and perversion of that statement. Mr. Chairman, I insist that there is no fact or inference contained in that resolution that will even palliate the remark, that "Vermont has asserted in solemn legislative action that Congress has power over slavery" in a single State in this Union.

Mr. Venable. Will the gentleman allow me to interrupt him?

Mr. Hebard. With pleasure.

Mr. Venable, (Mr. Hebard yielding the floor.) The construction placed on the Vermont resolutions by me, in the remarks made some days since, is the true one, or I do not understand the English language. They affirm the fact that the "compromises of the Constitution restrained the Federal Government from interference with slavery only in the States in which it then existed, and from interference with the slave trade only for a limited time, which has long since expired." Why is the term "*only*" used, unless it is intended to limit the obligation of the Federal Government to refrain from interfering with slavery in such States as it then had an existence. Now this use of the word "only," by all rules of construction, makes the exception in favor of the States where slavery existed at the time of the adoption of the Constitution; and, of course, assumes that the right to interfere with slavery in States afterwards admitted, was recognised, and allowed by the Constitution.

Mr. Hebard. The resolution asserts that the compromises of the Constitution *restrained*, (not restrains) the Federal Government from interference with slavery only in the States in which it then existed. This, it will be noticed, in point of time, refers to the time when the Constitution was adopted—a statement both true and plain, and easy of comprehension. No such sentiments as are attributed to those resolutions are contained in them. No such sentiments, so far as I know or believe, are entertained by any portion of the people of Vermont. It is not my purpose to disguise the fact that the people of Vermont are opposed to slavery, and, in all constitutional ways, intend to oppose its extension into territory now free. They believe it to be a great moral and political evil—an evil not merely to the slave, but an evil to the nation. But, while they hold and cherish these sentiments, it is no purpose of theirs to attempt, and they claim no power on the part of Congress, to abolish it in any State in which, by its own laws, it is tolerated. Sir, the Constitution has nothing to do with slavery. Congress has no power over slavery in the States. One sovereign State as well as another, by its own laws, can tolerate slavery. It is its own sovereignty that gives it the power, and not by virtue of any power derived from the Constitution. Hence it is that the Constitution gives no sanction to slavery in the Territories, and no one, by virtue of the Constitution, can carry it there. Slavery was not created by the Constitution, nor by Congress; it is older than the Constitution. The framers of the Constitution did not intend that their names, nor the Constitution itself, should be reproached with the charge of tolerating slavery. At the formation of the Constitution, slavery existed in a portion of the States, and for the sake of forming the Union it was permitted to continue; but this permission was so cautiously given that neither the word *slave* or *slavery* is to be found in the Constitution. But while it was thus permitted to remain where it was, is it not also true that it was the understanding, the settled policy of the Government and the people, that it should not be extended; else why was it prohibited from the whole northwest Territory? At the time of the adoption of the Constitution, no one dreamed of the acquisition of new territory, and the power by the Constitution to acquire it has been doubted. And now, because we are in favor of carrying out the same policy that was developed at the formation of the Government, gentlemen say, "the North must stop their aggressions, or the 'Union must be dissolved.'" "The North must give us our rights, or 'let discord reign forever.'" If hostility to slavery is a sufficient reason for dissolving the Union, why did it not prevent its formation?

But it is said, that there is widespread discontent at the South; that the North is degrading the South; and that it is unreasonable to expect them to submit to it. Will some gentleman tell us in what this degradation consists? and what the North have done to produce it? If slavery degrades the South, the North are not responsible for it. If slavery is that ennobling institution that the gentleman from Virginia (Mr. MEADE) represents it to be, it cannot be degrading the South to speak of it. If it is that "great moral, social, political, and religious blessing," that the gentleman from Mississippi (Mr. BROWN) represents it to be, can it be degrading to the South to insist upon their keeping it all to themselves; or a sufficient cause for a dissolution of the Union, that others are not able to appreciate this institution in the same aspect that the gentleman does? If, as he says, he "religiously believes that African slavery was planted in this country through the providence of God;" instead of attempting to dissolve the Union, it would be better that he should labor for the spread of his religious sentiments among his less enlightened neighbors. But, as this last is but opinion, it may not be presumptuous to risk a counter opinion; and I should, therefore, conclude, that if the providence of God planted slavery here, it must have been the same providence by which He gave the children of Israel a king; it must have been in His wrath. But, in all candor, will not gentlemen tell us what they mean by "aggression" and "degradation," which are made to stand as godfathers for every sentence and sentiment they utter? Will not the gentlemen from Mississippi inform us what he means by "new acts of outrage and aggression?" When it was that we "threatened their domicils with conflagration?" Will he tells us when it was that we "spurned their entreaties, and mocked the fears of the sacred pledges of their love?" When was it that we "committed those long years of outrage upon their feelings," and perpetrated those "acts of lawless tyranny?" It must have been more than fifty years ago; for the gentleman from Virginia (Mr. MEADE) boasts that, for fifty years past, the South have controlled the destinies of the nation; and the gentleman from North Carolina (Mr. CLINGMAN) claims a "greater increase of population, more wealth, and less poverty and crime, in the slave States than in the free," and that th people are "prosperous and happy."

But, Mr. Chairman, they say we must stop talking about slavery—that great religious blessing, that source and promoter of human happiness. Sir, who set us the example? Is slavery any more sacred now than it was in 1776? Is it any more criminal to talk about it now than it was then? Was Mr. Jefferson denounced as a "fanatic" for denouncing slavery as a "crime against humanity?"

The legislature has resolved the same thing in relation to slavery, that Mr. Jefferson said of it in 1776; and for this, gentlemen say, that the legislature of Vermont has committed an aggression upon the South, which, if persisted in, is good cause for dissolving the Union. If Southern statesmen held slavery in such abhorrence as to afford a pretext for throwing off their allegiance to the Government that had fastened it upon them; if it made Mr. Jefferson tremble for his country when he reflected that God is just, may not the people of the free States be pardoned for thinking that it is not best to extend this embarrassment over our newly acquired possessions? Was Dr. Franklin stigmatized as a *fanatic* for presenting, as president of an abolition society in Pennsylvania, a petition to the first Congress that convened under the Constitution, for the abolition of slavery in the States where it then existed? Were the Quakers of Pennsylvania, Delaware, Maryland, and Virginia, denounced as traitors and enemies for petitioning the same Congress for the abolition of the slave trade? Were Mr. Madison and Mr. Parker, of Virginia, then taunted with being *fanatics*, because they advocated the reference of those petitions, and held it to be the duty of "every member of the House to ascertain what could be done to restrain a traffic so nefarious?"

It is unnecessary to multiply quotations from Southern statesmen, eminent for their moral and intellectual worth, to prove that the sentiment of the people of the free States is in accordance with the sentiments of the fathers and framers of the Government. Will gentlemen inform us, Mr. Chairman, why the expression of these sentiments, at this time, by the people of the North, is more aggressive, or more inexcusable, than the expression of the same sentiments at the time and in the manner which I have named?

Will gentlemen do one thing more? Will they inform us what they mean by Southern rights? Do they mean to say that the Constitution, in fact, was intended to guaranty slavery beyond the then limits of the United States? Do they pretend that Congress has attempted to abolish slavery in any State in which, by the laws of such State, it is sanctioned? If, then, no right has been violated, and no attempt at the violation of any right has been contemplated, is not all that has been said upon this subject, "*vox et præterea nihil*,"—Mere "sound and fury, signifying nothing."

It would seem, then, to be advisable, at least, to wait for some overt act, and not attempt the dissolution of the Union for the mere expression of an opinion.

But, Mr. Chairman, a bolder hand in the other wing of the Capitol has set forth, with more distinctness, in what the "aggressions" of the North upon the South consists. Says Mr. CALHOUN: "What has caused this discontent? It will be found in the belief of the people of the Southern States, as prevalent as the discontent itself, that they cannot remain as things now are, consistently with honor and safety, in the Union. The next question to be considered is, what has caused this belief? One of the causes undoubtedly is to be traced to the long continued agitation of the slave question on the part of the North, and the many aggressions which they have made upon the rights of the South during the time. I will not enumerate them at present, as it

will be done hereafter in its proper place. There is *another lying back of it*, with which this is intimately connected, that may be regarded as the *great* and *primary cause*. That is to be found in the fact that the equilibrium between the two sections in the Government, as it stood when the Constitution was ratified and the Government put in action, has been destroyed."

Thus we have the great difficulty distinctly stated. This, says Mr. CALHOUN, is the *primary* cause of discontent. This, he says, is the *great* reason why this Union must be dissolved. "The two sections of the Government," says he, though taking an even start upon the national race course to prosperity, have not been able to keep pace with each other. The Northern section, relying upon its own resources, with fewer of the natural advantages of soil and climate, have destroyed "the *equilibrium* in the two sections of the Government," and hence, as he says, the belief that the "Southern section cannot remain, as things now are; consistently with honor and safety, in the Union." This is the great and statesmanlike view, which the great statesman of the South has taken of this *great* and *primary* cause of Southern discontent.

Does he pretend that in this any of the "compromises of the Constitution" have been violated? Does he pretend that the increase of population at the North nullifies any of the guarantees of the Constitution? I apprehend this would be rather a difficult matter to regulate. Does he claim that the Constitution has been violated in the agricultural, manufacturing, and commercial industry of the North, by which the lands have been made productive and teeming with wealth; by which manufacturing establishments, and villages, and towns, and cities have sprung into existence as by enchantment; and by which the wharves, and docks, and ship yards have sent to the four corners of the earth, and over the whole wide expanse of waters, their forests of masts, successfully competing with the "wooden walls of England," and the commerce of the world? No, sir, nothing of that. All this is the result of natural causes, and not claimed to be a violation of the Constitution. But he degrades the nation and the Government by a sectional division which does not exist in fact, and should not in form. He contrasts the relative prosperity of the two sections with mathematical accuracy, and then declares the Constitution to be a failure, because it has not kept up this "equilibrium," and must be flung away or reformed. Yes, sir, the complaint is not so much that the Constitution has suffered violence, as it is that it has become insufficient for the purposes for which it was created; and allowances must be made for the variations of the compass, or the chart must be thrown away. Do gentlemen upon this floor sympathize with those sentiments of the distinguished Senator?

But, sir, enough, and more than I intended to have said, in relation to this charge of "Northern aggression." My purpose has been, while considering the charge as it is made against the whole North, more particularly to deny its truth as applicable to the State of Vermont.

But, Mr. Chairman, there is another branch of this subject, more important to this committee, as it is calling for some action, upon which I propose to submit a few remarks. I mean the admission of California as a State of this Union. And here let me say that the question might with propriety be stated negatively. Why should not she be admitted? Has she not sufficient number of inhabitants, and sufficient capacities for a State government. Has she not formed a constitution, forher organic law, that is republican in its character? All this is either admitted, or not denied. But different reasons seem to operate upon different gentlemen. Some insist upon connecting this question with the territory of New Mexico, and have the question relating to both settled together. To this it is enough to say, that having no natural or necessary connexion, it is better, practically and theoretically, that they should be kept separate, and each settled upon its own merits. Some deny altogether the power of the people of California to form a State government until they had taken the initiatory step of having had a territorial government. To this it may be answered, that the Constitution is silent upon the subject of a territorial government, and one of the reasons which some gentlemen urge why Congress has no power over slavery in the Territories is, that it has no constitutional power to legislate for a Territory, or to give it any government; a position, however, to which I apprehend but few will subscribe. The social condition of our natures instinctively points to the necessity of government, and when a community or body of men find themselves without a government, they need no higher power or authority than this. Congress has power to make all needful rules and regulations respecting the Territory; but if the Territory has, in advance of Congress, made all needful regulations, it supersedes the necessity of action in that respect on the part of Congress. The gentleman from Kentucky (Mr. STANTON) has instanced the case of the Dorr rebellion, so called, in Rhode Island, as authority to show the want of power of the people of California to form for themselves a State government. But the gentleman cannot fail to mark the distinction between overturning a government which legally exists, and the exercise of the sovereign power of the people to form one, *ex necessitate*, where none exists.

The act of one is treasonable rebellion; the act of the other is the exercise of the highest sovereign power—for in a free government the people are the sovereigns. I have, therefore, no difficulty in my own mind upon this subject. I hold, sir, that Congress has power to establish a territorial government, containing all needful rules and regulations respecting the territory, including that of prohibiting slavery. I hold, also, that new States may be constitutionally admitted into the Union, without having passed through the subordinate condition of a territorial existence, in accordance with numerous and repeated precedents.

Mr. Chairman, it seems a little remarkable to me, that such a lack of power of Congress should all at once have been discovered, both in the admission of States and the government of Territories, when the power in both respects has been so long exercised, and so quietly acqui-

esced in. The power of Congress to inhibit slavery in the Territories has been so long acquiesced in, and so often directly or indirectly applied, that it would seem almost too late to question it. Why, sir, what is the history of this subject? Legislation on this subject is older than the Constitution. It began with the Continental Congress. The first was in 1784, and that was in the form of a resolution prohibiting slavery from going into the then Northwest Territory. Again, in 1787, when the ordinance for the government of that Territory was adopted, the principle of that resolution was embodied in the ordinance, at this time, unanimously; but, at the adoption of the resolution in 1784, Virginia and some other of the slave States voted against it. In 1789, Congress, under the present Constitution, affirmed over that ordinance. But it is said that it did no more than permit a compact already formed to remain. All that may be true; but the argument is just as good still. The Continental Congress did legislate upon the subject, having no more power to do so than the present Congress has over territory now free, and that legislation has never been questioned. But in the Missouri compromise, Congress directly legislated—in 1845, in the Texas resolutions, and, in 1848, in relation to the Territory of Oregon. It would seem, if precedent was any thing, here were enough to establish the point, so far as the power of Congress is questioned; and all who have any doubts of the *expediency* of excluding slavery from the Territories now free, are commended to a careful perusal of the speech of the distinguished Senator from South Carolina.

But, Mr. Chairman, in relation to the admission of California, the honorable gentleman from Louisiana (Mr. CONRAD) has taken a new position. I understood him to admit the power of the people of California to form their constitution, and the regularity of their proceedings, but still denies them admission.

Mr. CONRAD. The gentleman will pardon me for interrupting him, but he has mistaken the nature of my remarks. Will he allow me to correct him?

Mr. HEBARD. Certainly.

Mr. CONRAD. I understood the gentleman to say that I admitted the right of the inhabitants of California to frame a constitution for themselves. I made no such admission. I said, on the contrary, that this act of the people of California was an irregularity—a great irregularity—that this Territory belonged to the United States, and no people had a right to establish a government there without the consent and authority of the United States; that, nevertheless, Congress having omitted to provide the people of this country with a government, their adoption of a constitution for themselves was excusable, and even praiseworthy; and if the constitution adopted by them contained nothing contrary to the interests or to the laws of the United States, I was willing they should live under it until we had provided them with a government.

Mr. HEBARD. Mr. Chairman, I am obliged to the gentleman for correcting me, if I have misstated him, for I certainly did not intend it. I give him great credit for the candor of his remarks, and although I differ from him in some of his views, I think I can discover a conservative feeling, and devotion to the Union and to the Government, that will protect them both from the unhallowed taint of disunion. But it seems to me, that the explanation that the gentleman has given does not leave it essentially different, except in the particular of the *irregularity*. He now admits that it was a "praiseworthy act," and this is only another way of assenting to their power to do it; for we can hardly understand how the people of California, in adopting a constitution for their Government, can be said to have done a *praiseworthy act*, if they had not the rightful political power to do it. But this is not the purpose for which I alluded to the gentleman's remarks. It was to see what would be the condition and position of California, with a Constitution and Government which gave them all the powers of any sovereign State, and yet not admitted into the Union. She would not be in the condition of a territory, with a territorial Government given her by Congress. She would not be in the condition of the other States, for until she was admitted into the common bond of Union, she would owe no allegiance to the General Government. She would, therefore, if left in that condition, be essentially an independent nation. I think, therefore, she must be either a territory, under some government imposed upon her by the General Government, civil or military, or she must be admitted into the Union as a State, with her State Constitution. Whether she will be entitled to the representation in this House that she claims, I consider another and a different question. When she shall be admitted as a State, and her two representatives that she has sent here ask for their seats, then it will be in time to examine their credentials, and determine upon the merits of their claim. They may fail to satisfy us that she is entitled to two representatives. But it will be in time to consider that question when it shall be presented. How are we to claim jurisdiction over her territory and her people for the purpose of taxation, and deny to her that constitutional correlative right of representation.

But, Mr. Chairman, what reasonable ground is there for the South to ask or claim that any portion of this territory shall be slave territory? Is it simply on the ground of keeping up a balance of political power? It will not do that in but one House. If the equilibrium is restored, it will as soon be lost again. But I deny any such right to claim it. We make laws and are governed by majorities, not by sections. Or if, in the making of laws, sectional influence has prevailed, it has been in favor of the South. There was no such thing as a sectional equilibrium contemplated by the Constitution—and if one had been provided, natural causes would have destroyed it. Does the South need more slave territory to accommodate her own citizens? Let gentlemen ask themselves where their own citizens migrate to, when seeking for new homes. Do they seek the uninhabited portions of their own slavery domain, or do they instinctively

find their way into free territory? In point of density of population, how do the free and the slave States compare? While the area of the slave States in extent of territory exceeds the area of the free States by nearly one-third, the number of inhabitants in the free States exceed those in the slave States by more than three millions; making the proportion to the square mile as nearly two to one in favor of the free States—and this disproportion is daily increasing; and in fifty years, with all this vast newly acquired territory added to the free States, this disproportion will be doubled. The South have still room enough for such as choose slave territory for their homes for a century to come. It has its millions upon millions of broad and fertile acres, as yet untouched by the hand and untrod by the foot of civilization, with a climate unsurpassed, and decked and embellished and enriched at all points with the choicest bounties of nature. Let us, therefore, hear no more of disunion; but let us, if possible, dig deeper and lay broader that foundation of this Union, which is the basis of our national hopes and national blessings and national glory; and which, while it is a terror and dismay to tyrants, is the rising day-star of hope to an admiring world.

SPEECH

OF

J. W. HOWE, OF PENNSYLVANIA,

ON

THE CALIFORNIA QUESTION.

Made in the House of Representatives, Night Session, June 5, 1850.

Mr. Chairman: Since we came together, six months ago, the views of members upon this floor seem to have undergone material and most remarkable changes. It would not be easy to assign all the causes for the uncertain state of opinion here upon these great questions which are agitating the country. The People, however, do not appear to change; they remain as steady and true as the needle to the pole. What they thought a year ago, and two and three years ago, upon this subject of setting metes and bounds to the alarming spread of the institution of slavery, they think to-day; and nothing which can be said here, or in the other wing of the Capitol, however eloquently urged or strongly enforced by party discipline, is likely to change that opinion, or put out the lights which the experience of the past few years has furnished them upon this subject. Whatever others may choose to do, they are however alone responsible for. I desire, for myself, that my constituents should understand that my opinions have undergone no change; and I shall act in conformity to these opinions whenever I have an opportunity to vote. The question stands upon the broad, well-defined, and well-understood platform of 1848—the Whig and Free Soil platform. The free soil feature in this platform is what it clung to with unyielding tenacity. We shall regard it as the apple of our eye—as a principle never to be surrendered, never to be "*compromised*," never to be given up upon any miserable pretext, that God has so constructed those territories with particular reference to doing away with the necessity of its application; that it would not only be totally needless and ridiculous, but next to blasphemous, to insist upon it. God has never enacted the Wilmot Proviso for these Territories; and if not enacted by man, the leprous curse of slavery will spread over them, as it has over all other Territories acquired by this Government, excepting those to which man has taken the precaution to apply the Ordinance of 1787. This is a fact—a great and important fact—at which we should look long and carefully, when taking into consideration any proposition to recede from the position taken by the North. All the Territories which the United States have acquired since the foundation of the Government to which the Ordinance of 1787 was not applied, have come into the Union as slave States. It is pretended that a portion of what was included in the Louisiana purchase obtained the benefit of the Missouri Compromise, but it would be difficult to tell how, since Missouri herself absorbed an area of greater extent than New England, and taking nearly as far north as the original boundaries of that Territory.

Sir, what was the platform of 1848? Did we not subscribe most emphatically to the doctrine that slavery should go no further? Did we not take the ground that Texas had been annexed by a scheme of territorial aggrandizement which has no parallel in modern, if it has in ancient history; and that we had been dragged into a war with Mexico for purposes inconsistent with the honor and dignity of the nation; and that, under such circumstances, we should insist upon applying the Ordinance of 1787 to such portion of the territory acquired as had not been swallowed up in the capacious maw of Texas? Did we not contend that the North had a right (leaving the moral question out of the issue) to a fair proportion of these vast territories lying between Louisiana and the Pacific, which had been "acquired at the expense of the common blood and treasure of the Nation," and that they should be forever consecrated to Freedom? Every man, woman, and child, from Maine to Iowa, knows that we did. Everybody knows that we promised to stand by that Ordinance. Whigs and Democrats pledged themselves to stand by it; and we are not now to be frightened by the cry of disunion! which has been used to "frighten the North" for the last sixty years; and which, to tell the truth, has lost some of its potency—for we find Southern gentlemen now resorting to other means, calling the yeas and nays on frivolous motions, and withholding the appropriation bills; and probably, before we get through, we shall find them resorting to other equally ingenious methods of producing "discord" and "confusion," for which the people will hold them to account hereafter. Many

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Southern gentlemen even left the Hall some years since in a body, but they were very glad to return. South Carolina nullified—though that was on another question (the tariff)—and nothing very alarming came of it. We had a constitutional discussion, almost a "States rights" war, upon one or two little items in the Census Bill this session, and I was momentarily expecting some chivalric gentleman to rise and announce, in tones of solemn warning, a dissolution of the Union in the event that certain sections of that bill were retained.

I should not like to ask Europeans how we appear to them, legislating upon the most important national affairs in this somewhat peculiar and extraordinary manner. I should fear they would say, "You Americans are much better in *farce* than tragedy."

But, Mr. Chairman, this is what we pledged ourselves to do when we came here: secure to Freedom a portion of that territory by applying the Ordinance of 1787; that righteous Ordinance, sanctioned by Washington. We promised to use every endeavor in our power to have it passed by Congress, and to restrict slavery within its present limits. We did not propose to interfere with slavery in the States; within the States we all know it is beyond our reach. We do not intend to interfere with it there. We hold the Constitution sacred. We mean to live by it, and we mean that it shall be regarded by all. But where it exists under the authority of the Federal Government, we mean to annihilate it, and to rid ourselves of all responsibility in connection with it; and this was part of our platform of 1848. We went for the abolition of slavery and the slave trade in the District of Columbia, and, if we could not get the South to consent to it, then we were in favor of the removal of the seat of Government; and prospectively we were in favor of abolishing it in all places where it exists under the authority of the Federal Government. We claim that, having deprived ourselves of the profits, "blessings," and advantages of slavery, the South ought not to ask us to continue it under our joint sanction. We ought to be permitted, to relieve ourselves of the responsibility and sin at once and forever.

Mr. Chairman, I do not feel disposed to abandon any one of these positions. Neither can I commit myself to the admission of any more slave States. I do not know whether these can be considered the principles of the "Progressive Democracy," of which we heard so much this morning from the gentleman from Mississippi, [Mr. THOMPSON.] I have never had the honor of belonging to that party; it has been my good fortune to belong to the Whig party, and that is an honor which I shall continue to enjoy. But I do not understand that there are any differences upon this subject between the body of the people of the free North. The Northern people are honest; they are not arrogant, as the gentleman has said; they are peaceable, quiet, rather timid than otherwise; they have always been unconscious of their own strength, and have too often quailed and cowered before the threatenings of the puny South; they are unsuspecting, and it happens almost invariably that they are betrayed, too often by their own friends, and I fear they will be now.

Mr. Chairman, I entertain the highest sentiments of respect for General Taylor; his honesty and integrity commends itself to me as it does to the People. But, Whig and Free-Soiler as I am, I cannot agree with the recommendation of the President, upon these subjects. I cannot subscribe to the policy of the order of the Secretary of War, which consigned the New Mexicans to the tender mercies of Texas. It may be said that orders still more favorable to Texas had been given by the previous Administration, and that Mr. Polk had recognised, in terms, the claims of Texas, in his official letter to the Governor of that State; and that there was danger of civil war with Texas. All this may be true, and yet I cannot see why this Administration should not have maintained the "*statu quo*," as between Texas and New Mexico, until, by judicial or legislative decision, the question of boundary had been disposed of. Texas might at least have been restrained from extending her jurisdiction at a delicate period of the dispute, when these questions were so soon to be submitted, as they now are, to the consideration of Congress.

The protection of the military authorities, under which the civil Government exists, was a right which the New Mexicans had every possible reason to expect would not be denied them. This state of things, however, only increases the necessity for speedy action by Congress, and the immediate application of a remedy. But the action of Congress about these days seems to partake something of the nature of a suit in chancery—tardy.

I have another strong objection to the plan of the Administration. General Taylor proposes to compromise the differences between the North and South with reference to these Territories, by admitting California, and leaving New Mexico and Utah to adopt State Constitutions when they get ready. I cannot consent to this, because we are determined to secure those Territories to freedom, *beyond the possibility of a doubt;* and because I cannot vote for the admission of those Territories as slave States, should they hereafter apply, as I should consider myself bound to do should we adopt the President's plan. Yet we expect to abide by this plan, rather from necessity than choice.

Texas was secured to slavery by the South and her Northern allies of the "progressive *Democracy*" (!) beyond even the possibility of a doubt; and they made arrangements, moreover, to cut her up into five slave States, and they left her all of the public domain in her borders to pay her debts with; a privilege no other State enjoys. The main feature in this glorious example of the *clean* manner in which "progressive Democracy" and the South protect and guard the slave interest, I propose to follow. It is a bright and illustrious example, and I intend to take pattern of it. I propose to secure as strongly, as firmly, as irrevocably, the three remaining States which are to come out of the Territories we have acquired of Mexico, to freedom. They have done so by legis-

lative enactment. I propose to carry out Northern policy by the same process—by the enactment of a repealable law—as binding in one case as the other, and no more so. The South have no objection to provisos when they are to benefit themselves, but they have other names for their measures, which we never hear subjected to the keen shaft of ridicule; and they are not at all modest in the extent of the application of their provisos. A war at an expense of a hundred millions is a trifle, and their provisos cover five good States at one sweep. Now, I am proposing only to follow their excellent example. I am in favor of securing those Territories to freedom by a Proviso. I am in favor of Territorial Governments for Utah and New Mexico with a "Proviso." I care not whether you call it the Dane, the "Wilmot," the Webster, or Winthrop, the Jeffersonian Ordinance of 1787, or John Smith's Proviso—I am in favor of this policy, "at all hazards and to the last extremity." If we would secure those Territories as irrevocably as that famous proviso which "sticks out" in the Texan resolutions of Annexation secured the soil of that State to slavery, we must be prepared to vote it in without stopping to consider its political effect. There was no outcry then about provisos. Slavery seems to be so much superior in its moral aspect to freedom, that a slavery proviso is swallowed at once, while we are kept here six months before we can persuade men to answer it to their consciences to touch a proviso for freedom, and then it is done with the most undisguised reluctance, and only for fear of the people whose frowns are apt sometimes to trouble the dreams of ambitious politicians. For aught I know, we may be here six months longer, before that power which controls Congress, and is omnipotent in the Government, and has been for the last fifty years, will allow us to record our votes upon these measures.

Mr. Chairman, I suppose we shall have a *thing* here shortly, called the "Compromise," designed by its manufacturers as a sort of pitch-plaster to apply to the wounds, ulcers, and sores of the body politic, of which there are said to be five. I think this is a wrong count; my memory recalls several not set down in this bill of particulars. There is one small sore, if I recollect right, which certain people living in a small district called Pennsylvania would like to have these skilful political doctors prescribe for. The old doctors of the "progressive Democracy" (!) have attempted it once or twice, but have as often been prosecuted for mal-practice. One cause of their failure probably is their too close attention to their colored patients, which leaves them no time for the *white ones*. I have a remote suspicion that this is the difficulty with those who are attempting to apply this "Compromise" pitch-plaster—they attend too closely to the black population.

California is the first item in this impracticable *hodge-podge* of a "Compromise." The trouble about her is, that the people of that State don't want negroes; they object *in toto* to a black population. They are too *honorable* to wish to make slaves of them to minister to a sordid lust or gold—for undeserved, because unpurchased, wealth; and they prefer leaving them with their Southern friends to receiving them upon any other terms, which might involve the ultimate risk of slavery. Had she presented herself as a slave State, does anybody upon this floor believe that there would have been the least difficulty about her admission? She would have been received by the "progressive Democracy" with acclamations, as the "lone star" was upon a certain other occasion—there would have been no trouble about it.

Not long since, the doctrine was loudly urged in this Hall, that the people should be left to take care of themselves—they should be left to frame such institutions as they pleased—"non-interference," "non-intervention," was the cry. Then it was supposed that the people, when thus left to take care of themselves, would frame institutions which would be pleasing to the South. It was supposed that the Texans and the Southwestern States would gradually spread themselves over the new Territories; but it so happened that gold mines were discovered on the shores of the Pacific, and a nation of freemen gathered together there, to enjoy "the spoils" of victory. This altered the case materially. There were many of them foreigners, who had never breathed the tainted air of a country where human bondage existed; and under no circumstances, not even with so great a temptation as the prospect of such a harvest as a slaveholder with his twenty human cattle might reap, could they be induced to touch the unclean thing. Free institutions, "free as the free air of Heaven," have, thank God, grown up on those shores, where for centuries a mixture of "mindless, enervate, and besotted" races have lived but to furnish wealth for the grasping Spaniard, and victims for the blood-thirsty and merciless Indian. This event—the discovery of these mines—was regarded at the North as the intervention of the hand of Providence to prevent the perpetuation of the omnipotence of the slave power in this free Government. It is not now, it never has been supposed that it was the wish of the South to lay their grasp upon those Territories, and reduce them to slavery, merely for the purpose of extending that institution *per se*, but it was a grasp for power—power in the Federal Government, which they have controlled for half a century. None know better than Southern men that slavery is wrong; none know better than they that it is at war with those principles of justice upon which our Government is founded, and which have a lodgment in the breast of every man; none know better than they that it is merely the question of power which now seems rocking the Union to its centre. It was in this view that the language of my colleague [Mr. STEVENS] was so strongly excepted to by Southern gentlemen. They are fearful that the conviction will grow up in the popular mind, that slavery as a political power should be destroyed, as it is at war with the whole spirit of free institutions, and is checking their advancement at every step.

Mr. Stevens said:

"I am opposed to the diffusion of slavery, because confining it within its present limits will bring the States them-

selves to its gradual abolition. Let this disease spread, and although it will render the whole body leprous and loathsome, yet it will long survive. Confine it, and like the cancer that is tending to the heart, it must be eradicated, or it will eat out the vitals. The sooner the patient is convinced of this, the sooner he will procure the healing operation."

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"Yes, sir; this admitted result is, to my mind, one of the most agreeable consequences of the legitimate restriction of slavery. Confine this malady within its present limits, surround it by a cordon of freemen that it cannot spread, and in less than twenty-five years, every slaveholding State in this Union will have on its statute-books a law for the gradual and final extinction of slavery. Then will have been consummated the fondest wishes of every patriot's heart. Then will our fair country be glorious, indeed; and be to posterity a bright example of the true principles of government—of universal freedom."

My colleague has been subjected to not a little severe criticism from Southern gentlemen for the expression of these sentiments. I can tell gentlemen from the South, that this language is by no means peculiar to my colleague. They are, as far as I know, the sentiments of the entire North. That speech has been again and again republished both in English and German, and circulated by thousands. This sentiment is of no new growth. I doubt not that my colleague himself learned it at his mother's knee, and these lessons are seldom forgotten.

It is this fear that slavery, being surrounded by a cordon of free States, will ultimately adopt remedies for the evils which provoke the demonstrations that we daily witness in this Hall. Providence has pointed out to us this remedy for the evils of the common weal under which we are suffering. Surround this arrogant and aristocratic slave power, which is now impeding all legislation, obstructing the wheels of Government, in hopes of carrying out its *dark* designs—surround it with a cordon of freemen, and we shall then have a prospect of peace, of a return to law and order, to good and regular government.

We do not ask to interfere with slavery in the States where it exists under their own municipal regulations. The responsibility of its existence is with them. We do not ask to interfere with it, and the Constitution gives us no right to do so. But we have a right to ask that it shall not usurp all authority and control of the Federal Government, and subject the North to a state of political vassalage! We have a right to ask that it shall not be made the basis of a power which subjects the North to a species of political slavery, which is but the counterpart of that domestic slavery in which they hold the tawny race of Africa, and a mixed breed of American and African blood, of all shades and hues, from ebony black to almost lily white.

Were the slaves of the Barbary States of Africa compared to-day with those who are held in human bondage in this country, we should find but little difference in complexion. Their slaves are ostensibly white, as ours are black, but they gradually change their hue to a darker shade, as ours do to a lighter, more delicate complexion, and European features. Why, there are slaves in Washington, which we meet at almost every corner of the street, with straight hair, European features, and skin almost as white as our own; and this is the class which give so much trouble as *runaways*. There is an instinct in them which generates a struggle for freedom; and that struggle is sometimes a life-long struggle. As this class increases, as it is increasing every year, new laws are found to be necessary for their recapture. The old law of 1793, stringent as it is, is found ineffectual, as we are now told by our Southern friends.

Sir, as I have said, California is the first item in this "Compromise," which is to heal up all the old sores. I do not know whether it is intended that California shall come into the Union or not. I know that she ought to come in, and I go for her unconditional admission, without making her a pack-horse, upon which to lug in other matters pertaining to the security of property in their black people, and the extension of slavery.

When slave States are to be admitted, we can do it by wholesale, and Texas is shoved in with an arrangement for five slave States, without scarcely so much as saying to the North, "by your leave, sir." But when a free State knocks for admission, she is kept here months, compelled to listen to frothy speeches upon that everlasting theme, "dissolution of the Union;" and the country is kept in a state of revolutionary excitement. The appropriation bills are kept back, and the Government menaced with a refusal of the supplies, not by a majority, but by a miserable factious minority. But these terrific speeches about dissolution of the Union, &c., like an oft-told tale, are really becoming wearisome; and we are ready to exclaim with Job, our "afflictions are greater than we can bear."

The next feature in this Compromise is, Governments for the Territories, without a restriction of slavery, and annulling the Mexican law, which abolishes slavery, by extending the Constitution over them—thus yielding the whole of the territory to slavery.

The next is, buying of Texas a large portion of territory which she claims, and paying her ten or twelve millions, probably, in addition to what these territories have already cost, which is about $125,000,000.

If New Mexico is to be secured to slavery, why is the North called upon for this vast sum? The public lands are worth nothing, according to the showing of New Mexico herself, in the representation she has officially made to this Government, pending her application for admission, and I do not relish this proposition for a donation to Texas. We have yielded her a boon enjoyed by no other State in the Union, the possession of all the public lands within her borders. Where is this demand to end? We shall next be called upon personally to pay tribute to this slavery-propaganda, and perhaps to furnish white slaves, if they cannot get black ones—and *we can do it.*

They next call upon us to stifle our opinions with regard to slavery. They tell us that we of the North have no business to have opinions upon this subject—it is aggressive; and they modestly ask us to organize ourselves into one vast police corps, and emulate each other in a display of our dexterity in catching their runaway negroes. The fugitive slave bill, which forms a part of this famous—I was about to say *infamous*—compro

mise, as it is called, details about ten thousand Northern postmasters to perform this degrading office of catching runaway negroes—perhaps they will next propose that the North shall furnish, under the authority of the Federal Government, a supply of those interesting individuals who perform the office of Jack Ketch, to be in readiness whenever the South shall need them. Such a proposition would be a fitting amendment to this fugitive slave bill.

Sir, the postmasters of our Northern cities, towns, and villages, are gentlemen. They would not suffer such degradation as this. You talk of insults and aggressions upon the South. No such insult as this was ever offered to any single Southern man; and yet you coolly put it upon ten thousand Northern postmasters, gentleman of standing and respectability in the communities where they live, (not by virtue of their offices, for none other than respectable men are appointed to these places of trust and responsibility.) If this bill shall come before this House, I have an amendment to offer, to come in after the word "postmasters," so as to include in this *force* to be employed in this beautiful business of catching runaway negroes, *Northern candidates for the Presidency.* They might be located, one in Pennsylvania, one in the Peninsular State in the Lake regions, one in the Bay State, and another in New York. To these, and their somewhat diminished corps of Lickspittle Fusileers, the South are welcome if they can do any service in barricading the way to Canada; but, for Heaven's sake, do not subject our respectable postmasters to so degrading an occupation.

Imagine, Mr. Chairman, a wretched runaway slave, panting like a lizard, in the *gripe* of one of these intensely zealous Northern candidates for the Presidency. The *fight* is a glorious one. The native muscular strength of the poor black, struggling for freedom, proves an equal match for the superior skill of the white slave catcher, and they *tug* and *sweat*, and roll over in the dust and dirt, and neither will give up the equal combat, until both are *laid out* with fatigue and exhaustion. Were I a witness of such a contest, I might be disposed to say, as a certain *good lady* once did who saw her husband in the *gripe* of a big black bear. "Go it, my dear, I don't care which whips." I am rather inclined to believe, however, that my sympathies would not be on the side of the candidate for the Presidency, notwithstanding his loud professions of *fourth-proof* patriotism.

The last of these sores is a small one, which has long festered in this district. The remedy proposed is quite characteristic: it is simply to remove two or three slave factories a distance of five miles from the corporation limits; and even this immense "concession to the North," which is the only one in this "omnibus" bill, is spoken of at the South as good cause for disunion. There is nothing about the tariff in this list of healing measures; no endeavor is made to heal up that small sore in Pennsylvania and in other portions of the Union. Our Southern friends seem to be laboring under the hallucination that the small strip of country set down in some maps as lying north of Mason and Dixon's line has been suddenly blotted out. Let us hope that they will yet condescend to notice us. Mr. Clay once thought there was such a country; but, having decided to sacrifice it upon the altar of his ambition, he has doubtless concluded that it may be safely reckoned among the things that were. Perhaps the lengthened shadows of the White House rest upon it, and obscure it from his vision. Mr. Clay, however, is but a man; he stands up for his section, bending every energy to the endeavor to secure perpetuation of power in the Federal Government for the slaveholding States—power which they have enjoyed for half a century, and which they now endeavor to enlarge by an addition of Southern Senators. I do not know that we ought to find fault with him for pursuing this purpose, for standing up for his section in this sectional contest, like a true man; but it does seem a little unfair that he should use Northern popularity, and Northern leaders, to defeat Northern policy, and to prostrate Northern interests.

To recapitulate a little, let us see how this stands, and what degree of fairness there is in Southern demands with reference to these Territories.

The United States has acquired by cession, war, and purchase, an extent of territory lying between Louisiana and the Pacific Ocean, equal to about twenty-seven degrees of longitude. It was acquired in obedience to Southern policy, and in opposition to our Northern feeling, at a vast expense of blood and treasure. It has cost the country many thousands of lives, and about $125,000,000. Of this territory, the South has obtained irrevocably the best half in Texas, which she has arranged, under Legislative guaranties, to subdivide into five slave States. The other half, a large proportion of which is a mountainous, uninhabitable, and valueless country, the North insist upon having and dividing into three free States. Here is the proposition so mathematically plain and simple, that everybody can understand it. The North ask three out of eight of the States so acquired, and one of those States is here with her Constitution, asking for admission. Mr. Clay's Senate Compromise Committee propose, instead of admitting her, to get around giving the North these three free States, by sticking together into one bill, along with California, Territorial Governments for New Mexico and Utah, without any restriction of slavery; and he refuses to allow the Mexican law to remain in force, which does restrict slavery. The operation of Territorial Governments, as we all know, is this: Under such Governments, the Constitution of the United States is extended over them, and Territorial Judges are appointed; those judges are to be confirmed by the Senate, in which slavery has a majority. Of course, such judges will be appointed as have been heretofore, who will decide that slavery is lawful in the Territories under the Constitution, whenever a slave is brought before them upon a suit for his freedom, and thus slavery is established by judicial decision. Thus we are to be stripped, under this compromise, of all but California; and we are only to be allowed this as an act of special grace, and by giving the fugitive

slave bill as an equivalent, besides yielding these Territories.

But there are certain modest Southern gentlemen who are not satisfied with this. They ask for the Missouri Compromise line, which would give them four-fifths of this expensive domain.

I confess—when I look around this Hall and behold the unnatural and degrading spectacle of Northern men crouching at the feet of this Slave Power, and vieing with each other in their slavish devotion, when the South is in the very act of grasping at more power—at an addition of fourteen Senators, who will of course use their endeavors to keep the North in subjection, and destroy their interests—I confess, when I see this, I fear that even the Missouri Compromise may not be beyond their reach, though I hope and trust that the North will stand firm—firm as the massive pillars with which we are surrounded. I admire the consistency, firmness, and true devotion, of Southern gentlemen to their sectional interests, while I laugh at their threats and their bravado, (if I may use these expressions.) I warn them, however, that there is a point beyond which it is not safe to go.

MISCELLANY.

Extract from the Declaration of Independence.

We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

Extract from the Constitution of the United States.

No person he'd to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due.

Extract from the Syllabus of the Case of Prigg vs. the Commonwealth of Pennsylvania, reported in 16th Peters's Reports.

The owner of a fugitive slave has the same right to seize and take him in a State to which he has escaped or fled, that he had in the State from which he escaped; and it is well known that this right to seize or recapture is universally acknowledged in all the slaveholding States.

The Court have not the slightest hesitation in holding, that, under and in virtue of the Constitution, the owner of the slave is clothed with the authority, in every State of the Union, to seize and recapture his slave, whenever he can do it without any breach of the peace or illegal violence.

In this sense, and to this extent, this clause in the Constitution may properly be said to execute itself, and to require no aid from legislation, State or National.—*Page* 539.

Extract from Mr. Clay's Resolutions.

7. *Resolved*, That more effectual provision ought to be made by law, according to the requirement of the Constitution, for the restitution and delivery of persons bound to service or labor in any State, who may escape into any other State or Territory of this Union.

Extracts from Mr. Clay's Speech in the Senate of the United States, of 5th February, 1850.

Well, Mr. President, upon this subject I go with him who goes farthest in the interpretation of that clause in the Constitution which relates to this subject. In my humble opinion, that is a requirement by the Constitution of the United States which is not limited in its operation to the Congress of the United States, but which extends to every State in the Union, and to the officers of every State in the Union. And I go one step further. It extends to every *man* in the Union, and devolves upon him the obligation to assist in the recovery of a fugitive *slave* from labor who takes refuge in or escapes into one of the free States. And I maintain all this by a fair interpretation of the Constitution.

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It will be observed, Mr. President, that this clause in the Constitution is not amongst the enumerated powers granted to Congress—where if it had been placed it might have been argued that Congress alone can legislate and carry it into effect—but it is one of the general powers, or one of the general rights secured by the Constitution or instrument, and it addresses itself to all who are bound by the Constitution of the United States. Now, the officers of the General Government are bound to take an oath to support the Constitution of the United States. All State officers are required by the Constitution to take an oath to support it; and all men who love their country, and are obedient to its laws, are bound to assist in the execution of those laws, whether fundamental or derivative.

I do not say that a private individual is obliged to make the tour of his whole State, in order to assist the owner of a slave to recover his property; but I do say, if he is present when the owner of a slave is about to assert his rights and regain possession of his property, that he, that every man present, whether officer or agent of the State Governments, or private individual, is bound to assist in the execution of the laws of their country.

Extract from Mr. Webster's Speech at Springfield, Massachusetts, in the month of September, 1847.

We hear much just now of a *panacea* for the dangers and evils of slavery and slave annexation, which they call the "*Wilmot Proviso.*" That certainly is a just sentiment, but it is not a sentiment to found any new party upon. It is not a sentiment on which Massachusetts Whigs differ. There is not a man in this hall who holds to it more firmly than I do, nor one who adheres to it more than another.

I feel some little interest in this matter, sir. Did not I commit myself in 1837 to the whole doctrine, fully, entirely? And I must be permitted to say that I cannot quite consent that more recent discoverers should claim the merit and take out a patent.

I deny the priority of their invention. Allow me to say, sir, it is not their thunder.

We are to use the first and last and every occasion which offers to oppose the extension of slave power.

But I speak of it here, as in Congress, as a political question, a question for statesmen to act upon. We must so regard it. I certainly do not mean to say that it is less important in a moral point of view, that it is not more important in many other points of view; but, as a legislator, or in any official capacity, I must look at it, consider it, and decide it as a matter of political action.

Extracts from Mr. Webster's Speech in the Senate of the United States, March 7, 1850.

I look upon it, therefore, as a fixed fact, to use an expression current at this day, that both California and New Mexico are destined to be free, so far as they are settled at all, which I believe, especially in regard to New Mexico, will be very little for a great length of time; free by the arrangement of things by the Power above us. I have therefore to say, in this respect also, that this country is fixed for freedom, to as many persons as shall ever live in it, by as irrepealable and more irrepealable a law, than the law that attaches to the right of holding slaves in Texas; and I will say further, that if a resolution, or a law, were now before us to provide a Territorial Government for New Mexico, I would not vote to put any prohibition into it whatever. The use of such a prohibition would be idle, as it respects any effect it would have upon the Territory; and I would not take pains to reaffirm an ordinance of Nature, nor to re-enact the will of God. And I would put in no Wilmot Proviso for the mere purpose of a taunt or a reproach. I would put into it no evidence of the votes of superior power, for no purpose but to wound the pride, even whether a just pride, a rational pride, or an irrational pride, to wound the pride of the gentlemen who belong to Southern States. I have no such object, no such purpose. They would think it a taunt, an indignity; they would think it to be an act taking away from them what they regard a proper equality of privilege; and whether they expect to realize any benefit from it or not, they would think it at least a plain theoretic wrong; that something more or less derogatory to their character and their rights had taken place. I propose to inflict no such wound upon anybody, unless something essentially important to the country, and efficient to the preservation of liberty and freedom, is to be effected. Therefore, I repeat, sir, and I repeat it because I wish it to be understood, that

I do not propose to address the Senate often on this subject. I desire to pour out all my heart in as plain a manner as possible; and I say again, therefore, that if a proposition were now here for a Government for New Mexico, and it was moved to insert a provision for a prohibition of slavery, I would not vote for it.

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Mr. President, in the excited times in which we live, there is found to exist a state of crimination and recrimination between the North and South. There are lists of grievances produced by each; and those grievances, real or supposed, alienate the minds of one portion of the country from the other, exasperate the feelings, and subdue the sense of fraternal affection, patriotic love, and mutual regard. I shall bestow a little attention, sir, upon these various grievances produced on the one side, and on the other. I begin with the complaints of the South. I will not answer, further than I have, the general statements of the honorable Senator from South Carolina, that the North has grown upon the South in consequence of the manner of administering this Government, in the collecting of its revenues, and so forth. These are disputed topics, and I have no inclination to enter into them. But I will state these complaints, especially one complaint of the South, which has in my opinion just foundation; and that is, that there has been found at the North, among individuals and among legislators of the North, a disinclination to perform, fully, their constitutional duties in regard to the return of persons bound to service who have escaped into the free States. In that respect, it is my judgment that the South is right, and the North is wrong. Every member of every Northern Legislature is bound by oath, like every other officer in the country, to support the Constitution of the United States; and this article of the Constitution, which says to these States they shall deliver up fugitives from service, is as binding in honor and conscience as any other article. No man fulfils his duty in any Legislature who sets himself to find excuses, evasions, escapes from this constitutional obligation. I have always thought that the Constitution addressed itself to the Legislatures of the States, or to the States themselves. It says that those persons escaping to other States shall be delivered up, and I confess I have always been of the opinion that it was an injunction upon the States themselves.

When it is said that a person escaping into another State, and becoming therefore within the jurisdiction of that State, shall be delivered up, it seems to me the import of the passage is, that the State itself, in obedience to the Constitution, shall cause him to be delivered up. That is my judgment. I have always entertained that opinion, and I entertain it now.

But when the subject, some years ago, was before the Supreme Court of the United States, the majority of the judges held that the power to cause fugitives from service to be delivered up was a power to be exercised under the authority of this Government. I do not know, on the whole that it may not have been a fortunate decision. My habit, is to respect the result of judicial deliberations and the solemnity of judicial decisions. But, as it now stands, the business of seeing that these fugitives are delivered up resides in the power of Congress and the national judicature, and my friend at the head of the Judiciary Committee has a bill on the subject now before the Senate, with some amendments to it, which I propose to support, with all its provisions, to the fullest extent. And I desire to call the attention of all sober-minded men, of all conscientious men, in the North, of all men who are not carried away by any fanatical idea or by any false idea whatever, to their constitutional obligations. I put it to all the sober and sound minds at the North as a question of morals and a question of conscience. What right have they, in their legislative capacity, or any other capacity, to endeavour to get round this Constitution, to embarrass the free exercise of the rights secured by the Constitution to the persons whose slaves escape from them? None at all; none at all. Neither in the forum of conscience, nor before the face of the Constitution, are they justified, in my opinion. Of course it is a matter for their consideration. They probably, in the turmoil of the times, have not stopped to consider of this; they have followed what seemed to be the current of thought and of motives as the occasion arose, and they neglected to investigate fully the real question, and to consider their constitutional obligations; as I am sure, if they did consider, they would fulfil them with alacrity. Therefore, I repeat, sir, that here is a ground of complaint against the North well founded, which ought to be removed, which it is now in the power of the different departments of this Government to remove; which calls for the enactment of proper laws authorizing the judicature of this Government, in the several States, to do all that is necessary for the recapture of fugitive slaves, and for the restoration of them to those who claim them. Wherever I go, and whenever I speak on the subject, and when I speak here I desire to speak to the whole North, I say that the South has been injured in this respect, and has a right to complain; and the North has been too careless of what I think the Constitution peremptorily and emphatically enjoins upon her as a duty.

* * * * * * * *

I have one other remark to make. In my observations upon slavery as it has existed in the country, and as it now exists, I have expressed no opinion of the mode of its extinguishment or melioration. I will say, however, though I have nothing to propose, because I do not deem myself so competent as other gentlemen to take any lead, that if any gentleman from the South shall propose a scheme of colonization, to be carried on by this Government upon a large scale, for the transportation of free colored people to any colony or any place in the world, I should be quite disposed to incur almost any degree of expense to accomplish that object. Nay, sir, following an example set here more than twenty years ago by a great man, then a Senator from New York, I would return to Virginia, and through her for the benefit of the whole South, the money received from the lands and territories ceded by her to this Government, for any such purpose as to relieve, in whole or in part, or in any way to diminish or deal beneficially with, the free colored population of the Southern States. I have said that I honor Virginia for her cession of this territory. There have been received into the Treasury of the United States eighty millions of dollars, the proceeds of the sales of public lands ceded by her. If the residue should be sold at the same rate, the whole aggregate will exceed two hundred millions of dollars. If Virginia and the South see fit to adopt any proposition to relieve themselves from the free people of color among them, or such as may be made free, they have my free consent that the Government shall pay them any sum of money out of its proceeds, which may be adequate to the purpose.

Bill of Mr. Webster's friend at the head of the Judiciary Committee, to which he proposes to give his support "to the fullest extent."

A BILL

To provide for the more effectual execution of the 3d clause of the 2d section of the 4th article of the Constitution of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when a person held to service or labor in any State or Territory of the United States, under the laws of such State or Territory, shall escape into any other of the said States or Territories, the person to whom such service or labor may be due, his or her agent or attorney, is hereby empowered to seize or arrest such fugitive from service or labor, and take him or her before any judge of the circuit or district courts of the United States, or before any commissioner, or clerk of such courts, or marshal thereof, or any postmaster of the United States, or collector of the customs of the United States, residing or being within such State wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such judge, commissioner, clerk, marshal, postmaster, or collector, as the case may be, either by oral testimony or affidavit taken before and certified by any person authorized to administer an oath under the laws of the United States, or of any State, that the person so seized or arrested, under the laws of the State or Territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge, commissioner, clerk, marshal, postmaster, or collector, to give a certificate thereof to such claimant, his or her agent or attorney, which certificate shall be a sufficient warrant for taking and removing such fugitive from service or labor to the State or Territory from which he or she fled.

SEC. 2. *And be it further enacted*, That when a person held to service or labor, as mentioned in the first section of this act, shall escape from such service or labor, as therein mentioned, the person to whom such service or labor may be due, his or her agent or attorney, may apply to any one of the officers of the United States named in said section, other than a marshal of the United States, for a warrant to seize and arrest such fugitive, and upon affidavit being made before such officer, (each of whom for the purposes of this act is hereby authorized to administer an oath or affirmation,) by such claimant his or her agent, that such person does, under the laws of the State or Territory from which he or she fled, owe service or labor to such claimant, it shall be,

and is hereby made, the duty of such officer, to and before whom such application and affidavit is made, to issue his warrant to any marshal of any of the courts of the United States to seize and arrest such alleged fugitive, and to bring him or her forthwith, or on a day to be named in such warrant, before the officer issuing such warrant, or either of the officers mentioned in said first section, except the marshal to whom the said warrant is directed, which said warrant or authority the said marshal is hereby authorized and directed in all things to obey.

SEC. 3. *And be it further enacted*, That upon affidavit made as aforesaid by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession, before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to said claimant, his agent or attorney. And to this end, the officer aforesaid is hereby authorized and required to employ so many persons as he may deem necessary to overcome such force, and to retain them in his service so long as circumstances may require. The said officer and his assistants, while so employed, to receive the same compensation and to be allowed the same expenses as are now allowed by law for transportation of criminals, to be certified by the judge of the district within which the arrest is made, and paid out of the treasury of the United States: *Provided*, That, before such charges are incurred. the claimant, his agent or attorney, shall secure to said officer payment of the same, and in case no actual force be opposed, then they shall be paid by such claimant, his agent or attorney.

SEC. 4. *And be it further enacted*, When a warrant shall have been issued by any of the officers under the second section of this act, and there shall be no marshal or deputy marshal within ten miles of the place where such warrant is issued, it shall be the duty of the officer issuing the same, at the request of the claimant, his agent or attorney, to appoint some fit and discreet person, who shall be willing to act as marshal, for the purpose of executing said warrant; and such person so appointed shall, to the extent of executing said warrant, and detaining and transporting the fugitive named therein, have all the power and authority, and be, with his assistants, entitled to the same compensation and expenses provided in this act in cases where the services are performed by the marshals of the courts.

SEC. 5. *And be it further enacted*, That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney, or any person or persons assisting him, her, or them, in so serving or arresting such fugitive from service or labor, or shall rescue such fugitive from such claimant, his agent or attorney, when so arrested, pursuant to the authority herein given or declared, or shall aid, abet, or assist such person so owing service or labor to escape from such claimant, his agent or attorney, or shall harbor or conceal such person, after notice that he or she was a fugitive from labor, as aforesaid, shall, for either of the said offences, forfeit and pay the sum of one thousand dollars, which penalty may be recovered by and for the benefit of such claimant, by action of debt in any court proper to try the same, saving, moreover, to the person claiming such labor or service, his right of action for, on account of, the said injuries, or either of them.

SEC 6. *And be it further enacted*, That when said person is seized or arrested, under and by virtue of the said warrant by such marshal, and is brought before either of the officers aforesaid, other than said marshal, it shall be the duty of such officer to proceed in the case of such person, in the same way as he is directed and authorized to do when such person is seized and arrested by the person claiming him, or by his or her agent or attorney, and is brought before such officer under the provisions of the first sect on of this act.

Extract from the Constitution of the United States.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Extract from the Statute Law of South Carolina.

SECTION II. If any vessel shall come into any port or harbor of this State, from any other State or foreign port, having on board any free negroes or persons of color, as cooks, stewards, mariners, or in any other employment on board of said vessel, such free negroes or persons of color shall be liable to be seized and confined in jail, until said vessel shall clear out and depart from this State; and that when said vessel is ready to sail, the captain of said vessel shall be bound to carry away the said free negro or free person of color, and to pay the expenses of his detention; and in case of his neglect or refusal to do so, he shall be liable to be indicted, and, on conviction thereof, shall be fined not less than one thousand dollars, and imprisoned not less than two months; and such free negroes or persons of color shall be deemed and taken as absolute slaves, and sold in conformity to the provisions of the act passed December 20, 1820.

In some of the States, colored men are citizens, not slaves or chattels.

SPEECH

OF

MR. J. L. JOHNSON, OF KENTUCKY,

ON

THE ADMISSION OF CALIFORNIA:

DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, APRIL 8, 1850.

Mr. CHAIRMAN: At no period, perhaps, since the foundation of this Government to the present moment, has there ever been a higher degree of excitement, both in this House and throughout the country, than is found to exist at this time in reference to the bill for the admission of California as one of the States of this Union, and the passage of a bill organizing a suitable form of government for the residue of the territory recently acquired by the treaty with Mexico.

In fact, sir, the intense degree of feeling on these subjects, in all portions of the country, admonishes us that, before we take such action in reference to them as shall be decisive, we should thoroughly consider the consequences that may grow out of our legislation, having a due regard to the harmonious union of these States.

Hasty and inconsiderate legislation, even on unimportant subjects, is at all times, and under all circumstances, greatly to be deprecated. But when great questions—affecting the honor, the political and pecuniary interests of nearly one-half of the people of the United States—are thrown upon the legislative arena for consideration, it becomes a matter of the deepest importance for us to bring to the task that lies before us a degree of calmness and reflection commensurate with the importance of the duties that devolve upon us. Passion and prejudice, both of which are inconsistent with reason, should never enter this Hall on any occasion, but more particularly on an occasion like the present. The effect of these, here or elsewhere, is to drive us into extremes; and in the absence of reason they sometimes seduce even the best intellect into the labyrinths of folly—the purest heart from its devotion to correct principle. To say the least of it, such legislation at present, if it should do nothing else, would create much discontent, and necessarily engender many prejudices wholly inconsistent with the harmony of the States, and that sort of equality of right that constitutes the bond of our union.

We, sir, are from different portions of this Union, and to some extent repre-

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sent different interests, but we are all of us bound by the same general obligation to support our common Constitution in all of its parts.

On questions in which neither the letter nor the spirit of the Constitution is involved, there always has been, and there always will be, found to exist difference of opinion. In matters of this sort it is the duty of each representative to obey the will of his constituents, or resign his seat, and give place to another who will obey the voice of those who invest him with power. But, sir, when it comes to the description of legislation in which we are now engaged, when the effort on the one side is to secure the rights guarantied by the spirit of the Constitution, if not by its letter—and on the other side to usurp those rights in a great measure—I contend that there should be but one voice, there should be but one great animating principle among us, and that should be justice to every portion of the Union. Not that sort of meagre, attenuated justice that seems to be justice, but which really is not. Not a mere limited assent to a great principle founded in justice, but an honest, frank, manly surrender of all that justice in its fullest sense, and the Constitution, when fairly interpreted, demand at your hands. This is what the liberal, the enlightened, the patriotic portion of the American people everywhere want—this is justice—this is in accordance with the spirit of the Constitution. Do this and you will do your duty. Do this and you will restore peace to the country; you will quiet the angry passions that are found to exist, not only in this House, but throughout this whole country, extending from ocean to ocean.

We have acquired a large district of country by virtue of a treaty with Mexico at the close of a war, in which the South and the North equally participated, in which they both displayed equal valor. We are now deliberating on the propriety of admitting California as a State, and as to the form of government that shall be extended to the residue of the newly acquired territory.

The people of California have formed a constitution for themselves, in which they in so many words inhibit the introduction of slavery within the limits of the proposed State. According to the uniform opinion on this subject throughout the South, the people residing in the Territory have the right to settle this question; they have done so, and have sent their constitution here, asking for admission into the Union, by their Senators and Representatives, who are ready to take their seats when the door shall be opened, and California admitted as one of the States of this Union. The objection has been urged by honorable members, that there was no law of Congress authorizing California to form a constitution preparatory to admission into the Union; but, if there is any thing in precedent, this objection can have no force, for other States of this Union have done the same thing, and have been admitted. Tennessee, Arkansas, Michigan, Florida, Iowa, and perhaps other States were admitted on the formation of their constitutions, unauthorized by any previous law of Con-

gress. The practice of admitting States in this way commenced in 1796, when Tennessee was admitted, and has been acquiesced in, to a greater or less extent, ever since.

The Constitution declares that "new States may be admitted by the Congress into this Union," and this, in fact, is the whole power that Congress has over this subject. Congress can admit States, but not create them. We have no power to make a constitution for a State. This must be done by the people residing in the Territory.

But, sir, it has been intimated by honorable members on the other side of this House, that the President, through his agent sent to California, (Mr. Thomas Butler King,) procured the formation of the present constitution interdicting slavery. This charge is not only not sustained by evidence, but is denied both by the President and Mr. King, and I am advised that the Senators and Representatives from California state, that there was no such interference. The truth is, sir, the people of California were left by the last Congress without a government, and they determined to form one for themselves. As was well remarked by my honorable friend from Louisiana (Mr. CONRAD) the other day, it would be a very strange circumstance if the President could make the people of California form such a constitution as he wanted, and yet could not make them send even one Whig Senator or Representative here to support his administration.

But, sir, there are objections that, in my judgment, may be urged to the immediate admission of California. In her constitution she has specified such boundaries as suited her people; but are the members of this House prepared to say that these boundaries are such as we should approve? In the first article and second section of the constitution of the United States, it is declared that representatives shall be apportioned among the several States which may be included within the Union according to their respective numbers, and provision is made for the enumeration of the inhabitants of the States, having a due regard to this apportionment. No census of California has been taken, and I imagine that no gentleman is prepared to say that she has an actual bona fide population sufficient to entitle her to admission.

She has sent on here two representatives to take their seats in this House. Is she entitled to two or one, or is she entitled to any? I have seen no reliable evidence of the number of her actual inhabitants. These are, in my judgment, valid objections to the immediate admission of California. I recognise the right of the people of that Territory to say whether slavery shall exist there or not; but I do not recognise their right to demand admission into this Union before they have shown themselves entitled to membership; they should first be able to give the pass-word, and when they do this the door should be opened. But, sir, with a precipitancy almost unprecedented in the history of this Govern-

ment, we are asked to open the door and admit this new State, even before we had time to read her constitution and see what it contained.

As a distinct proposition I cannot say that I am very much in favor of the admission of California; but if, in connection with the bill for her admission, a government without the Wilmot proviso for the residue of the newly acquired territory shall be supported by the North, I am willing to vote for her admission, notwithstanding my objections, because this will be a settlement of the question.

On the subject of the admission of California, and the organization of a suitable form of Government for the residue of the Territory, a contest has grown up between the North and the South—between the non-slaveholding and the slaveholding States of this Union. The North contends that this Territory shall be free—that the Wilmot proviso shall be applied to it. The South contends that she is a part of this Union; that this Territory as much belongs to her as to the North; that they have the same right to take their slaves there that the people of the North have to take any property peculiar to their region; that, in both instances, according to the spirit of the Constitution, the same degree of protection is extended to the one description of property that is extended to the other.

I do not propose to enter into an elaborate argument to show that Congress does not possess the constitutional power to interdict slavery in the Territories of the United States, but will offer a few thoughts on this subject.

I argue, sir, that such interdiction by Congress would be contrary to the spirit of the Constitution, from a fact which I understand to be admitted by every body—that the States of this Union are equal in dignity and in right. The old thirteen States were bound together by the articles of confederation, but, to "form a more perfect union," they adopted our present Constitution. They asserted in their Declaration of Independence that they were free and equal, which they afterwards maintained, and their sovereignty as States was subsequently acknowledged by England. When the Constitution was formed, therefore, the original thirteen States stood on terms of equality ; and that instrument not having been so changed since as to produce an inequality of right either among the States or the citizens of the States, I take it for granted that they are equal in dignity and in right yet. If this argument be correct, I would ask Northern gentlemen if they are administering the Government according to its genius and its spirit—if they are carrying out the intentions of the framers of our Constitution, when they seek to exclude nearly one-half of the people of the United States from a participation in the benefits and blessings which may accrue to them by emigrating with their slaves to a territory, for the acquisition of which they fought as gallantly and bled as freely as the North?

When they come with their interdictions, seeking to appropriate the whole

of this territory, because they may have the numerical force to carry their proposition ; when they seek to increase their own power by diminishing that of the South—to increase their own wealth by diminishing that of the South—I say, when they thus come, not in the name of justice, nor in the name of that equality of right that belongs to all of the States, but in the disgusting name of might, of power, of numbers, think you that they are then administering the Government, so far as legislation is concerned, according to the spirit of the Constitution? On the contrary, are they not destroying the sovereignty, the equality of the States, and consequently violating, with an *outstretched* arm, the very Constitution which they profess to revere, and under whose protection they have been blessed and shielded from injustice for the last sixty-three years? But even if Congress possessed the constitutional power to exclude slavery from the residue of this newly-acquired territory, I deny that they have the moral power to consummate an act of such manifest injustice. The Constitution of the United States was formed to "establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare," &c. Sir, how can the North, according to their manner of construing the Constitution, "*establish justice*," when the very course of policy which they propose is fraught with the most flagrant injustice to more than 7,000,000 of freemen, constituting the entire Southern portion of this Union? How can they "*insure domestic tranquillity*" to the country, when the very end which they avow to be their chief object will have a direct tendency to add fuel to the flame which Northern fanaticism has already kindled and fanned, until the Hall in which we meet from day to day is so filled with heat and smoke as to induce the fear, here and elsewhere, that the conflagration has already commenced, and that ere long we shall see the temple wrapped in flames? How can they promote "*the general welfare*," when the very interdiction which they propose consults not "*the general welfare*," but the *welfare of the North to the manifest dishonor and detriment of the South*? They cry out, "Constitution," "Constitution;" "let us stick to the Constitution"—and yet they violate, with an incorrigible indifference, the very preamble to that instrument, because they refuse to "*establish justice*" when they hold the scales in their own hands and have it in their power to do so. They refuse to "*insure domestic tranquillity*," when they have it in their power to "pour oil on the troubled waters," and quell the strife and discontent that threaten the harmony of these States. They refuse to "*promote the general welfare*," when they have it in their power to settle this question in a manner in which "*the general welfare*" will be properly consulted. They say this territory is already free; that, by the laws of Mexico, slavery was abolished there before we acquired it; and yet, in a wild spirit of fanaticism—in an unholy lust for the gratification of sectional prejudices—they leap over the legitimate

bounds of justice, of equality, of every thing in fact that belongs to ordinary courtesy and propriety, to say nothing of State sovereignty, and usurp the despotic prerogative of declaring a country to be free which they say is already free, when they know very well that such declaration is aggressive, and must have the effect to arouse the indignant feelings of the South. Is it not enough, if what they say is true, that the country is already free? Is it not enough, if what they further say is true, that nature's God has laid a proviso on that territory more potent than that which bears the name of *Wilmot?* If, as they say, God and the laws of Mexico have dedicated this territory to the "*Free-soilers*," why do they seek to do a work of supererogation? Why build a mud fence to protect a fortress which they say is impregnable? Why not organize a territorial government for New Mexico and the residue of the territory not embraced in the bounds of California, without the Wilmot proviso, and let the people of the South test all these barriers to the introduction of slavery of which Northern men speak?

But, sir, what is the object of this wholesale crusade against slavery? A gentleman from Pennsylvania (Mr. STEVENS) came out boldly in a speech here a few days since, and avowed his object; and, I suppose, in avowing his, he avowed the object of all those who are in favor of the interdiction of slavery in the newly-acquired territory. He said his object was to confine the institution of slavery in its present limits, and ventured the prediction that if it were thus confined, in twenty-five years the States that now tolerate would abolish it. Sir, can it be possible that honorable members who avow these objects would willingly expose the slaveholding States to the alternative of surrendering up fifteen hundred millions of dollars worth of property, or seeing their fertile, their highly cultivated, their beautiful lands crimsoned with human gore? Can it be possible that northern fanaticism has gone thus far? They seek to do by indirection what they acknowledge they have not the constitutional power to do directly—abolish slavery in the States. Is this no infraction of the spirit of the Constitution? The gentleman speaks of surrounding the slave States with a cordon of freemen, to witness, I suppose, with exultation, the fierce conflict between the slave and his master. Why not go one step further, if this be his object, and with his cordon of freemen cross the line, avow himself the champion of the slave, *break* the fetters that bind him, and make the bondman the peer of his master? An enterprise of this sort would at least have the merit of boldness and decision, and the people of the South would know exactly how to meet it. Established by Divine authority, the institution of slavery is destined to remain until the end for which it was first ordained shall be accomplished.

> Alas! what stay is there to human state?
> Or who can shun inevitable fate?
> The doom was written, the decree was past,
> Ere the foundations of the world were cast.

Sir, suppose the honorable gentleman's object to be fully accomplished—suppose the slaves of the South to be emancipated—they could never associate upon terms of equality with the people of the South; the people of the North, I am persuaded, would never so receive them. They could not be clothed with all the immunities of the white man, and while they would thus be nominally free, they would be the vilest of all slaves, the slaves of their own wicked passions. They would never be clothed with the elective franchise in the South; they could never hold office there; and it is not probable that in the North they would be invested with more rights than in the South. A marked inequality would still exist. What, then, would still be the condition of the black man? Deprived of the privilege of the elective franchise, cut off from all equal social relations with the white man, incapable of holding any office of honor, he would have no incentive to the practice of those virtues that lead to the elevation and advancement of man.

> "Lean abstinence, dark grief, and haggard care,
> The dire attendants of forlorn despair"—

would be his constant companions; and these would be more dangerous to his present and future happiness than the fetters which he now wears. Abolish the institution of slavery, turn the slaves loose in our midst, and you unsheath the sword which will never again be returned to the scabbard until one of the two races shall be exterminated.

An honorable member from Ohio, (Mr. CAMPBELL,) in a speech here a few days since, said that the grand reason why he wanted to prevent the extension of slavery was, that it is "a moral curse" to the slave and his master. It is a very high evidence of that gentleman's goodness of heart, for him to manifest such extraordinary interest in the affairs of the South, as to come all the way to Washington to warn all those who tolerate the institution of slavery, that a great "moral curse" is resting and abiding with and among them. I think I have read somewhere, that it was the custom of some nation, when any very melancholy event had transpired, for those who were affected by it, to procure the services of some one possessed of a very sympathetic heart to be the chief mourner, and thus relieve themselves from all unhappiness by throwing their griefs upon another. The honorable gentleman has taken the office of chief mourner on himself voluntarily, and is found weeping over the "moral curse" that is now resting on the slaveholding States. But, sir, before he exhausts all his sympathy, I would advise him to make a trip through Kentucky and see the condition of the slave. He will then be better able to see whether his sympathy is needed, whether the "moral curse" of which he speaks is found to exist as the necessary concomitant of slavery. If he will go there, instead of finding the slave manacled and exposed half-clad, as he has seen him represented in abolition papers of his own and other free States, he will find him

well clothed, living in a good, comfortable cabin, with every thing around him necessary to his personal comfort. He will find more, sir; he will find upon our statute book a law made to protect the slave against improper treatment, the purport of which is, that severity shall not be tolerated from the master, and when the fact is established, his slave shall be taken from him, and placed where he will be properly cared for and protected.

Mr. CAMPBELL said, (Mr. JOHNSON yielding the floor:) I did not speak of slavery as a "curse" from personal observation of that institution, for I have never resided where it exists. I quoted the opinions of Washington, Jefferson, Patrick Henry, and other slaveholding statesmen of the revolutionary times. I would now add another for the honorable gentleman's benefit. I quote from memory from the first speech I ever read, made by a distinguished slaveholder when I was but a boy. In 1827, HENRY CLAY closed a most eloquent speech on the subject of slavery by saying: "If I could be the instrument of relieving the revered State of my birth, (Virginia,) and the beloved State of my adoption, (Kentucky,) of this *foul curse*, I would not exchange my honors for the proudest laurels ever worn by Roman conqueror." This, it will be remembered, is the same CLAY who has ever since that time been Kentucky's standing candidate for the highest office in the nation's gift; and in support of whom, since these sentiments were uttered, the honorable gentleman and other Kentucky orators have discoursed eloquently to the people from almost every stump in Ohio and Kentucky. If, in denouncing slavery as a "curse," I have offended the honorable gentleman, I throw the responsibility upon Washington, Jefferson, and other slaveholding statesmen who are no more, and upon HENRY CLAY, and other living statesmen of the South, whom the country has honored. I will only add, in adopting their opinions, that "where such men lead, who dares not follow?" I would be glad to know from the honorable gentleman whether he considers it a curse or a blessing?

Mr. JOHNSON. I do not consider it a curse to the slave.

Mr. CAMPBELL. Then I am surprised that the gentleman's philanthropy does not induce him to insist on the repeal of all laws prohibiting the slave trade.

Mr. JOHNSON. In 1775—the date of the opinions of Washington, Jefferson, and Patrick Henry, on the subject of slavery, as quoted by the gentleman—there were but few slaves in this country, and slave labor was but poorly understood. Then slavery could have been abolished without detriment to either race; but now that the slave population is greater than the white and black population was in 1775, it could not be abolished without ruin to both races, as I have before intimated. But I can inform the honorable gentleman that history would seem to indicate that Washington had changed his opinion afterwards, for he presided over the convention that formed and adopted our present

Constitution, in which they not only provide for the continuance of slavery for all time, but provide for the continuance of the *slave trade* for twenty years, for the avowed purpose of increasing the number of slaves in the country. The North and the South voted for this. *The North imported the slaves*, and the South bought them. The North wanted the money for them—the South wanted their labor. I think, therefore, that the motion to repeal the laws inhibiting the slave trade would come better from the *philanthropic North*, since they seem to have more experience in this work than the South. The gentleman speaks of the opinion of the great statesman of Kentucky, Mr. CLAY. The world knows Mr. CLAY'S opinions on this subject. But, sir, the gentleman is very inconsistent, for where such patriots as Washington and Clay lead, *he will not follow*. Washington was the president of the convention that formed our Constitution, where slavery is recognised and the slave trade is encouraged. Mr. CLAY is for the admission of California, and in connexion with the bill for her admission will vote to organize a government for all the rest of the newly acquired territory *without* the Wilmot proviso. Now, sir, adopting the gentleman's motto, I say to him, "Where such men lead, who dares not follow?" It is admitted that Mr. CLAY is in favor of emancipation; but this question in Kentucky last summer was settled by an overwhelming majority in favor of the continuance of the institution of slavery as it now exists. It is not regarded by the people of that State as a "moral curse."

It has ever been an exceedingly strange thing to me how it is that these gentlemen of the North are so generally found sympathizing with the condition of the South. They are always found advising the South to abolish slavery. They are always found opposing its further extension, and they do it all in the name of humanity. This is a very broad humanity that can embrace not only all of their own objects of sympathy within their own States, but, influenced by a spirit of philanthropy as boundless as the universe, they exhort the South to escape from the "moral curse" which they say is ready to overwhelm them. They point them to the portentous cloud which they say is ready to sweep over and destroy them. They urge them to tarry not for a moment, but to escape with all possible speed from the direful scourge which they say is coming with the *celerity* of lightning—a scourge whose author is God, whose end is the destruction of those who tolerate the institution of slavery. Sir, by what motive are these gentlemen influenced in exhorting the South to turn from slavery? Why are they so very solicitous on this subject? If slavery is a "moral curse," the curse will fall on the South, and not on the North. If it is an evil in any sense, the consequences of it must fall on the community in which it exists, and not on that in which it does not. Why, then, are they so much concerned? They say that they are happy and prosperous; we of the South are rejoiced to hear it, because we are members of the same great

national family, and in some sort "flesh of their flesh, and bone of their bone."

They point us to their great cities, their beautiful farms, their golden harvests, their garners filled with the products of their labor, and say that these proclaim to the world that they are great and prosperous. We of the slave-holding States, in reply, tell them that we, too, have great cities, beautiful farms, and that cornucopia is also in our land. But instead of rejoicing with us, as we do with them, they seek to diminish our prosperity, they refuse to allow us to extend the area of our labors, because they say a great "moral curse" is upon us. If the people of the South complain that Northern policy deprives them of that just equality to which they are entitled, according to the spirit of the Constitution, they are gravely told that a great "moral curse" is upon them. If they say to the North, we poured out our blood, we spent our treasure, and exhibited our prowess, as freely as you did, in acquiring this territory, and in the name of that equal justice that constitutes the glory and boast of our Constitution, we demand the right to enter this territory with our slaves, there to remain in security until such time as the people residing there shall determine that slavery shall no longer exist among them; they are gravely told that they must submit, because a great "moral curse" is upon them.

For many years this spirit of aggression has been gradually developing itself. Congress was first petitioned to abolish slavery in the District of Columbia, and the people of the South were then told that such petitions were only gotten up by a few fanatics of the North, and that the better plan would be to receive and refer them to appropriate committees. But not contented with this, they have petitioned Congress to abolish slavery in the forts and arsenals of the United States, where they are located in slave States; thus, in both instances, affording a place of retreat for the slave, even in the midst of a slave-holding community. The abolition of slavery in these places would not only be in bad faith, even if Congress possessed the power, but would create a degree of excitement throughout the entire South, which, in my humble judgment, if it should not be attended with more serious consequences, would create prejudices and bad feelings that it would take whole ages to eradicate. Laws had been passed in many of the free States to enable the master with greater facility to take his slave when he should escape from labor; these laws were passed in aid of the law of Congress on this subject. Most of the free States have recently repealed these laws, and in one State (New York) an effort was made, directly in the face of the Constitution and the law of Congress, to force a bill through the legislature imposing a heavy fine on any citizen of that State who should lend his aid to the master in taking his slave. In many instances slaves have been aided in making their escape. Sometimes

they have been induced to run off, and now the *contemptible* and dishonorable machinations of Abolitionists have reached such an incorrigible degree of lawless impudence that but few gentlemen, when travelling, will take a servant with them if they expect to pass through a free State.

A member from Ohio, (Mr. GIDDINGS,) in a speech here the other day, denied that any law should be passed to secure the right of the master to his slave when he escapes from labor. The power to pass such a law is expressly granted by the Constitution to Congress; and yet, at this late day, when the courts of this country have passed judgment on this question favorable to the right of the master over his slave when he escapes from labor, wherever found, the member from Ohio, directly in the face of the repeated decisions of the highest judicial tribunals of this country, is found openly and unblushingly advocating a flagrant violation of the spirit of the very Constitution which, when he took his seat in this House, he was sworn to support. That gentleman may be well satisfied with his own opinions, but his ethics will never suit the South.

I understand that New Mexico has formed a government to suit her people, in which there is nothing said on the subject of slavery; leaving this question to be settled when she comes to form a constitution preparatory to admission into this Union. Why not adopt some such form of government for the whole of the territory not embraced in the boundaries of California, and pass it in connection with the bill for her admission? How can the North object to this? California has made for herself a constitution in which she inhibits slavery. Northern gentlemen are exceedingly anxious to admit her. New Mexico has made a form of government to suit herself, in which nothing is said as to slavery. Well, now, it seems to me that if gentlemen from the free States intend to be consistent, if they intend to deal fairly with the South, if they intend to act upon any principle that is reconcileable with that equality of right, that even-handed justice which the Constitution was formed and adopted to secure, they must now come up like patriots and statesmen, and say to us by their actions, if not by their words—we are all of us members of this great national family—we all of us look to the same Constitution for the security of our property and for the protection of our liberty—we desire to respect your rights, because you are American citizens, bound to us by the ties of interest, of patriotism, and of affection, too holy to be discarded, too strong to be severed; and although we are opposed to the institution of slavery, yet it is recognised by the Constitution of the United States. This territory as much belongs to our brethren of the South, and to their institutions, as to us and to our institutions; therefore let justice be done—let us organize a government for it without the Wilmot proviso, and if slavery goes there by the voice of the people, let them have it when they shall form a suitable constitution and ask admission

into the Union. If under such a system of legislation the institution of slavery shall die, let it die; but if, on the contrary, it shall not die, but continue, as it has hitherto done, to develop the resources of the country to which it is adapted, in the name of justice, in the name of peace, in the name of that harmonious spirit of concession and compromise which actuated the fathers of our Republic when they formed and adopted our Constitution, in the name of the glorious old Ship of State, which for more than sixty long years has borne us in security and in triumph above the angry waves of faction that have lashed about her prow, and sometimes swept harmlessly over her deck, let us join together, subdue the factious spirit that has kept us asunder, and in a spirit of compromise restore peace to the country.

Gentlemen from the North have it in their power thus to tranquillize the country. Some few of them have already manifested a determination to do so. If the entire North would come up in the same patriotic spirit, the difficulties that now hang over the country, and fill the public mind with apprehension for the safety of the Union, would be dissipated in an hour; peace would be restored to the country, and this session of Congress shortened many months.

I, sir, have full faith in the wisdom and patriotism of the President; and in expressing myself in favor of the immediate passage of a bill fixing a suitable form of government for the residue of the territory not embraced in the bounds of California, I do not consider that I am opposing his recommendation. My object is to provide a government for a people who are in a measure without a government. I am for accomplishing immediately what the President seems to think time is necessary to effectuate. There is no difference, therefore, in the principle maintained in his message on this subject and that which I am advocating—the only difference is as to time. I think, sir, we owe it to the people of the Territory to give them a government; they need protection, and I am for extending it to them. I am willing to know the worst before this session of Congress closes. Yes, sir, if the Wilmot proviso is to be applied to this territory, I am willing, I am anxious to know it, before California is admitted; for although I will vote for her admission if in connection with that bill I can vote to organize a suitable government for the residue of the territory without the Wilmot proviso; yet if Northern members are determined to vote in California, and then to force the proviso on this territory, they will have to accomplish their object without my vote, for I will not vote for the present admission of California under such circumstances.

If it were possible to carry a proposition of that sort, I should be in favor of some such compromise as that made when Missouri was admitted. I prefer it in fact, because it is a much shorter method of settling the difficulty; but it seems to be the opinion of everybody, north and south, that no such compromise, in this House, would receive the support of one solitary Northern gentle-

man, and it would therefore be lost. The next best settlement of this question is found in the admission of California in connection with the organization of a government for the residue of the territory without the interdiction of slavery. When the people of the territory come to form a constitution for themselves, and ask admission into the Union, they can then tolerate or inhibit slavery, as to them may seem *meet*. Neither the South nor the North would then have cause to complain. The South asks not the North to lend her power to force slavery on a people who are opposed to it. The North should not seek to exclude slavery from a people who are in favor of it. The only true principle, therefore, under present circumstances, is to let the people residing in the territory settle the question when they come to form a constitution preparatory to admission into the Union.

It seems to me that the "sober second thought"—the returning sense of right and of justice among Northern representatives—must bring them to this conclusion. If this should turn out to be the case—if, as representatives in the American Congress from the East and from the West, from the North and from the South, we can meet in a spirit of concord, around the altar of justice, of equality, of patriotism, and of liberty, and settle this exciting question to the satisfaction of the country—we shall not only disappoint foreign speculation and foreign prognostication, but restore peace to our own country, and add another to the many evidences that our fathers have already exhibited, that man is capable of self-government.

Sir, there has been a good deal said about the dissolution of this Union, and, although I regard not such an event as being possible, yet it is fit that we should pause and see whence this disorganizing spirit comes. Judging from the tone of some northern speeches here, one would suppose it all came from the South. But, sir, it has been fostered and nurtured in the bosom of northern fanatics, as I shall attempt to show by the speech of Wendell Phillips, of Boston, who is a leading Abolitionist. This speech was made in the city of Boston last May, at an Abolition meeting, and I put it to you sir, to this committee, to the country, if any such disorganizing spirit as this has ever come from the South, not only during the present time of excitement, but since the foundation of this Government. But, sir, hear what this *Free-Soiler* has to say for himself, for his party. "*We confess that we intend to trample under foot the Constitution of this country;* we call upon you to do likewise. Shall I tell you why? You can never make a revolution in this matter until you make the common sense and the consciences of the people superior to their statute books; until you arraign against the despotism of the majority the conscientious convictions of the mass of the minority, whatever it be." This, sir, is the language of one of the sober, patient, thinking men of the North, belonging to the Free-Soil party. But hear him further. "Daniel

Webster says you are a law-abiding people; that the glory of New England is, that it is a law-abiding community. Shame on it, if this be true; if even the religion of New England sinks as low as its statute book. But I say 'we are not a law-abiding community. God be thanked for it.'" This, sir, is the language of northern fanaticism, fulminated against the Constitution and laws of this country, against the union of these States. This is the spirit of disunion unmasked; but, sir, it can find no sympathy in the South. Will the North frown it down? If you do not, it will continue to increase until it spreads over the country to such an extent as to render this glorious Union a thing no longer to be desired.

But, sir, this same northern abolition disunionist, fearing, I suppose, that his principles might be forgotten, came out in a pamphlet the other day, the title of which is, "A Review of Mr. Webster's Speech on slavery," and in this publication, speaking, I suppose, for himself and for his party, he says: "We are disunionists not from any love of separate confederacies, or as ignorant of the thousand evils that spring from neighboring and quarrelsome States, but we would get rid of this Union, because experience has shown it to be in its character and construction an insurmountable obstacle to the harmony of the nation; and could we once

> 'Cancel and tear to pieces this great bond
> Which keeps us pale'

with continued apprehensions, we should get space for such a structure as would insure the harmony of all the races which dwell on this continent, and all the States that control it—an empire, ocean-bound on every side. With these views Mr. Webster has no sympathy." He has not, and God forbid that he ever should. It is left to fanatics, and those engaged in a corrupt struggle for power, to entertain these opinions in a community where they suppose that sort of pandering will secure promotion. Let it not be said that the disunion spirit of which we have heard so much comes from the South, when the mouth-piece of the Abolition party claims that credit for his party.

Sir, the eyes of all Europe are now turned to our country. They have read the proceedings of the present Congress, and their papers are filled with comments on them. The monarchies and despotisms of the world would be rejoiced if our deliberations should terminate without restoring peace to the country. They would hail the intelligence of the dissolution of this Union as the precursor of anarchy and confusion, perhaps of ultimate despotism. Their tottering crowns would then become more secure. I believe that the disunion of these States would be attended with the most calamitous results, not only to this country but to the cause of human freedom throughout the world. I believe that it would be followed immediately by a border warfare, whose termination no man now living would be able to see—a war between friends, countrymen, and brothers. I do not believe that the people anywhere are in favor of dissolution.

I am sure that Kentucky is not. I know the character of her citizens; I know their unfeigned devotion to the Union; they have exhibited it on more occasions than one, and when the tocsin shall again be sounded, adopting the sentiments of the great statesman of Massachusetts, their slogan will be, "Liberty and Union, now and forever, one and inseparable." They are thoroughly opposed to the "Wilmot proviso," but heart and soul in favor of the Union. They believe this question will be settled to the satisfaction of the country. They believe the honor of the South will be secured, her constitutional guaranties respected, and the Union preserved. Looking to these results, they cherish no disunion sentiment. Avoiding all extremes, they look to the preservation of their honor and the union of these States as paramount considerations. Invoking the same God who stood by our fathers and enabled them to establish this Government, to preserve it until time shall cease, and all human governments shall be dissolved, they will say, "God palsy the hand that touches the first pillar of this Union to displace it." This is the light in which Kentucky regards this Union; it is the light in which she will ever regard it, unless northern fanaticism shall gather more strength, and come forth with power to dishonor her; then, and not till then, will she hoist the flag of disunion.

And, sir, if she should ever be forced to take up the sword in defence of her honor, it will be wielded by her sons as long as there shall be one stalwart arm left to deal a blow. But, sir, I like not to contemplate such a result as this. I believe there is yet patriotism enough in the land to save the Union. I believe that the God of our fathers—your God, Mr. Chairman, and my God—will so overrule our affairs as to bring order out of confusion, peace of out strife, and the blessings of union from the spirit of anarchy that stalks in our midst. May such be the case; and when time shall cease, may those who, in the providence of God, shall inhabit this land, be permitted to say to our fathers in eternity, that the Government which they established was only dissolved when the proclamation was made that time should be no more!

SPEECH

OF

HON. D. P. KING, OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES, MAY 21, 1850,

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. KING said:

Mr. CHAIRMAN: I am not certain that I should now congratulate myself that I have been recognized by you, although, with many other members of more agility, I have been for some days practising the athletic exercise of jumping for the floor. In the uncertainty of obtaining it, I have not given myself the careful preparation befitting the attempt to speak on a subject so important. I have been a patient listener and a careful reader of the speeches which have been made here and in the other wing of the Capitol, but I have little expectation that I shall be able to add one ray to the flood of light, or to contribute a single item to the fund of information which has been accumulated. For me, there is not that excuse so frequently given for desiring to address the House, for I have made no speech which I desire to modify; I have given no vote which I wish to explain; have occupied no position which I have found it necessary to fortify or define, and I have taken no step which I wish to retrace. Nor do I attempt to awaken the echoes of this hall, that their reverberations may be heard in far off Massachusetts. I have surveyed my district, from its Atlantic shores to its western limits, and from the metropolis of the State to its northern borders, but can find no such town, hamlet, or precinct, as Buncombe. I have a most charitable, confiding, and generous constituency, who burden me with no instructions, and vex me with no remonstrances. They know that I mean faithfully to watch their interests, and fearlessly and honestly to make my record. They know that I opposed the unconstitutional admission of Texas; that I voted against the wicked Mexican war; and that I have declared on this floor my determination, that by no act of mine shall one foot of slave territory be added to this country. They expect from me a straightforward, consistent course. In the conviction that words are but the puny children of earth, and firm, resolute, determined action, the full-grown sons of heaven, I have not thought it necessary to waste precious time in idle discussion and fruitless argument. My commission is not to exasperate, not to agitate, not to labor to round a period or polish a sentence against slavery, but to act for liberty.

But gentlemen, pluming themselves on their honor and independence, have asked us of the North whether we intend to adopt the recommendations of the several Senators who have thrown the strong light of their wisdom and experience on the doubtful path through this perplexed labyrinth. They ask, whose leading we will follow. To me it appears that these gentlemen little understand the position of a free Representative of a free people. Under the wise provisions of our Constitution, the President is independent of Congress; each branch of Congress is independent of the other, and each member of Congress has his individual independence. On a question involving the rights of the people, the rights of the States and of the Territories, and the prosperity and the destinies of the country for all time, the free northern Representative will follow no leader, acknowledge no master, submit to no dictator. In my judgment, this is not a question of expediency, but of right; not a matter of fancy, or of choice, but of stern duty; not a shadowy abstraction, but a thing of body and soul and spirit. In our deference to superior wisdom, and respect for long experience, we must not forget our own responsibility. Our own conscience, though it be but a taper-light, to us steady and constant must be the lamp that guides our feet. "The distrust of our own powers will be no excuse for the neglect of our duties." We cannot disobey the promptings of our own deliberate judgment and the convictions of our own understanding. I speak but for myself. In all matters of general policy, I feel my need of the counsels of wisdom; but in a matter of principle and of conscience, as no one can share with me the responsibility, and suffer for me the penalties of a crime, I can and will permit no one to direct my course. I trust I have a becoming respect for the intellectual powers of our great men—and the age has been prolific in such—but if I were to acknowledge that I had no respect for my own judgment, I should thereby confess that I had no fitness for the station my constituents have assigned me. I cannot surrender their rights—I will not surrender my own. It may not be modest—it is painful—to differ from those who have long been trusted and who have led public opinion: *Amicus Catoni, sed magis libertati, sed maxime veritati.* The Latin may not come mended from my tongue, but to me the sentiment is full of meaning and of force.

In times of yore, in a day of venality, one honest man could promise himself that he would hold fast his integrity while meal remained at a shilling a peck. I think I know one man, now that bread is three pence per pound, and pure invigorating water may be had free as it wells up from the fountain, who, neither from dread of abuse, nor fear of opprobrium, will smother his sentiments or sacrifice his independence.

Sterne once said, that if heaven should rain mitres, none could fall which would fit his head. My head will fit no office, and I have no desire to retain or gain any, which requires the surrender of my judgment, or the violation of my convictions of duty.

Gentlemen ask us, for the sake of peace, union, and harmony, to surrender our prejudices, to forget party and section, "to despise the sickly sentimentality and the wild fanaticism of the men and women of the North," and just for this once to be magnanimous, and adopt their compromise. And what is a compromise? It means an adjustment by mutual concessions. What does the North gain by the proposed compromise?—rather, what that is good, and just, and honorable, does she not surrender? It is not compromise, but all concession. The South has heretofore asked much, and received much. It has been in the habit of demanding, and the North has not had the firmness to deny. The Romans had not been wolves if their neighbors had not been sheep, the South would not have been so exacting if the North had not encouraged them by too great facility—by a disposition too generous and accommodating.

A far greater proportion of the area of our country is now slave territory. Have we not rights too? Shall we not insist that the newly-acquired territory shall be open to free labor? Cannot we profit by your lesson, and say that the equilibrium must be restored? Teach the North!—thanks for that word. But now a little too much is demanded; the easy, confiding North is alarmed. Louisiana, Florida, and Texas, have been acquired, and you have made them all your own—they are devoted to slavery. California, New Mexico, and Utah, are yet unshackled; they must be sacred to freedom; they stretch out their hands to us, and beg that we will not bind the unwilling victims, nor drag them up to the altar of unholy sacrifice. They have spoken out in their agony, and we cannot disregard their cry to come over and help them. In the convention for framing the constitution of the State of California, composed principally of gentleman who had been residents in slaveholding States, an article prohibiting slavery was unanimously adopted. From the debates in that convention I make the following extracts:

Mr. Stewart. "Coming from a slaveholding State, I know the baneful influence of slavery upon free labor. I know it is utterly impossible to unite free and slave labor. I have tried the experiment, and I feel justified in saying that such a thing is impracticable. Let us declare to those gentlemen who are about engaging in this enterprise at home that they cannot bring their negroes here on any condition or under any pretence whatever."

Mr. Semple. "I maintain that we owe it to ourselves, and our fellow-citizens at home, to show them in this constitution that their slaves are not wanted here; that they cannot be introduced into this country; that it is the determination of the people to exclude them. In God's name, let us make California a place where free white men can live. But bring negro labor in competition with them, and you will soon see the disastrous results. You degrade white labor; you place the intelligent and enterprising citizen under the control of monopolists; you deprive him of all that encourages to industry and makes labor profitable. Let us keep our institutions pure; let our progress be onward."

Mr. Clay, in a speech delivered in the Senate on the 13th instant, says:

"With respect to the population of California, with respect to the limits of California, with respect to the circumstances under which she presents herself to Congress for admission as a State into the Union, all are favorable to granting her what she solicits, and we can find neither in the one nor in the other a sufficient motive to reject her, and to throw her back into the state of lawless confusion and disorder from which she has emerged."

I go for the admission of California, not for the sake of her golden sands, but for the sake of the right—a treasure more valuable than all the gold and silver and precious stones of which avarice in her wildest vagaries has ever dreamed. I shall vote for the admission of California, with its constitution prohibiting slavery, without qualification, without restriction, without limitation, and without delay. I will not inquire what laws the hand of the Creator has stamped on the territory of California, New Mexico, and Utah. Some of the old Puritans believed that "greater light is yet to break forth;" with them I am content to adopt the laws of God, until such time as by His providence and under His progressive light, laws can be framed better adapted to the good of His creatures. In the whole of that country, whether it be broken up into rugged and inaccessible mountains, or spread out in desert sands; whether capped with eternal snow, or vital in green fields and fertile valleys,—as far as my influence and my vote can go, that soil shall be free soil, and the men and the women, whatever complexion an Indian or an African sun may have burned upon them, shall tread that soil erect and unshackled, and as free as the flight of "the bird of broad and rapid wing, whose home is high in heaven."

Gentlemen say slavery cannot exist in the new territories. Why, then, object to its exclusion by law? It is said the proviso is an idle abstraction, opposed on the part of the South from a motive of pride, insisted on by the North as a matter of sentiment. We assure you that we do not wish to offend your too nice sense of honor; you as readily assure us that you can pity, if not respect and forgive our sentimentality. It is not a point of honor or of sentiment, but a matter of substance and moment—we contend not for the triumph, but for the right. When the people shall, in the power of their might, declare that there shall be no more slave territory, they will have extinguished that insatiable lust of acquisition which now covets Cuba for a tobacco patch, Mexico and Central America for a potato field, South America for a pasture for war steeds, the Sandwich Islands for a flower garden, the Antarctic regions for an ice cellar, St. Helena for a cemetery, and the rest of the world for a hunting-ground.

We hear much about the compromises of the Constitution, and the intent and meaning of the Convention which framed, and of the people who adopted it. To me it appears evident that their object was "to establish justice and secure the blessings of liberty to themselves and their posterity." They restricted the slave trade to the year 1808; they excluded slavery from all territory then within their control; they did not suffer the fair parchment on which their Constitution was written to be blotted with the name of slavery; and it might have been with them a probable conjecture and a cherished hope, that in this age men must refer to learned books of synonyms for the definition of the word slavery, and to musty and forgotten tomes of history for an idea of its character and condition.

There has been much unnecessary disputation

about the authorship of the celebrated proviso by which slavery is excluded from the territory northwest of the Ohio. I say unnecessary, because fortunately the facts are so readily and satisfactorily obtained from authentic history. On the 1st of March, 1784, Virginia ceded to the United States all her right to that territory. What were her rights I will not stop to consider. New York, Connecticut, and Massachusetts, claimed parts of the same territory, and Virginia was careful not to give a deed of warranty. It all came under the undisputed sovereignty and possession of the United States; and to provide for its government, Mr. Jefferson, in behalf of a committee consisting of himself, Mr. Howell of Rhode Island, and Mr. Chase of Maryland, reported to Congress certain resolutions, and among them—

"That after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in the punishment of crimes whereof the party shall have been duly convicted to have been personally guilty."

Of the twenty-three delegates who were in attendance, sixteen voted for and seven against the resolution; but it was not adopted, because the Articles of Confederation required the assent of a majority of all the States. The resolutions reported by Mr. Jefferson, with this exception, became, April 23, 1784, the law of the land. In 1785, Mr. Rufus King, a delegate from Massachusetts, proposed the following resolution:

"That there shall be neither slavery nor involuntary servitude in any of the States described in the resolves of Congress of the 23d April, 1784, otherwise than in the punishment of crimes whereof the party shall have been personally guilty; and that this regulation shall be an article of compact, and remain a fundamental principle of the thirteen original States, and each of the States described in the said resolve of the 23d April, 1784."

This resolution was referred to a committee by the affirmative votes of New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, and Maryland; Virginia, South Carolina, North Carolina, and Georgia, voting in the negative.

There seems to have been no further action on this subject till July 11th, 1787, when a committee, consisting of Colonel Carrington, of Virginia, Mr. Dane, of Massachusetts, Mr. R. H. Lee, of Virginia, Mr. Kean, of South Carolina, and Mr. Smith, of New York, reported an entire set of resolutions for the government of the Northwest Territory. Pioneers from the east had discovered how propitious were the soil and climate of that fertile region, and were desirous of finding there an abiding place for themselves and their posterity: and Congress felt that more particular and specific laws had become necessary for the teeming West.

Colonel Carrington was a soldier, skilled in marshaling a phalanx and drawing out a regiment; Mr. Dane was a practised lawyer and a learned civilian, fit to draw a code for an empire: on him devolved the duty of preparing the ordinance; but Colonel Carrington, as chairman, formally reported the first five sections. To Nathan Dane, and to him alone, belongs the honor of drafting and proposing as an amendment the section which provides that "there shall be neither slavery nor involuntary servitude in said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted." In honesty and truth, I must add the following:

"*Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service, as aforesaid."

This ordinance was adopted by the concurrent votes of all the States and all the delegates with the single exception of Mr. Yates, of New York; and thus was slavery immediately and forever excluded from that redeemed and favored land.

Mr. Jefferson was then in France, as Minister at the Court St. Dennis, and could have had no agency in procuring the passage of the ordinance, although it is true, that in 1784 he supported a proviso prohibiting slavery in the territory after the year 1800, the other two delegates from Virginia voting against it.

Massachusetts was represented in the Congress of 1787 by two members only, Nathan Dane, of Beverly, and Samuel Holten, of Danvers. I have had the honor and satisfaction to know both these men; they lived to a good old age in my own district, and their honored dust now sleeps beneath its green sod. I will not say that it is, in party parlance, "free soil," but it is, in the widest sense, freedom's soil; and the representative from that district, who is not true to liberty, misrepresents his people, is forgetful of the whole history of the past, and madly reckless of the future; he might expect the execrations of the living in his daily walks, and the reproaches of the honest ghosts of his patriot predecessors would haunt his troubled dreams. Such apparitions murder no innocent sleep. This treason shall not sit heavy on my conscience.

I do not say that Nathan Dane was the first to conceive the idea of the exclusion of slavery; but I do say that he was the first to apply the invention to practical use, and a court of justice would award to him letters patent—but he did not want, and we do not intend, to restrict the use of his invention—we would apply it to all territory now free, as he and his compatriots meant the principle should be applied to all States and all Territories thereafter to be admitted into the Union.

I claim for Nathan Dane the paternity of the proviso, and for Massachusetts, a consistent and uniform opposition to the extension of slavery. With us it is no new light, no sudden furor, no sickly fanaticism, but a deep, settled, firm conviction, and a principle not to be impaired or eradicated. The voice of the people proclaims it, and the resolves of their legislature iterate and reiterate it in tones of deep and unmistakable solemnity.*

**Resolves concerning Slavery.*

Whereas, The people of Massachusetts, acting under a solemn sense of duty, have deliberately and repeatedly avowed their purpose to resist the extention of slavery into the national territories or the admission of new slave States into the Union, and, for these ends, to apply, in every practicable mode, the principles of the ordinance of 1787; also to seek the abolition of slavery and the slave trade in the District of Columbia, and the withdrawal of the power and influence of the General Government from the support of slavery, so far as the same may be constitutionally done; and whereas the important questions now before the country, make it desirable that these convictions should be reaffirmed, therefore,

Resolved, That the people of Massachusetts earnestly insist upon the application by Congress of the ordinance of 1787, with all possible sanctions and solemnities of law, to the territorial possessions of the Union in all parts of the Continent, and for all coming time.

Resolved, That the people of Massachusetts cherish the Union with unabated attachment; that they will support the

Gentlemen from the South have told us that they know this sentiment of opposition to the extension of slavery prevails; and it is true, it is the voice of the pulpit, of the press, of the halls of legislation, and of the popular assembly; and the representatives of the people have no choice, I trust they have no wish, but to obey the voice of the people, which in this instance, at least, is the voice of a Divinity.

And this is now public opinion in Massachusetts. Who made this public opinion? Not the so-called "miserable, despised fanatics," surely, but the men whose remarks the people take for wisdom, whose statements are demonstration, whose assertions are like the response of an ancient oracle; these "words fitly spoken" have been to us like "apples of gold set in pictures of silver;" they are written down in our books, taught to our children, deep rooted in our memory; they cannot be eradicated. We have been taught to believe and feel, that slavery must not be extended; the sentiment cannot be checked, hardly controlled; it rolls down our mountain sides, it flows over our plains, it pervades our cities—but it brings no madness nor desolation in its path; our men are resolute men, they will maintain their rights; they are honest men, they will yield to others their rights.

And, Mr. Chairman, this abhorence of slavery is no new sentiment with the people and legislature of Massachusetts. They were the first to abolish slavery by practical emancipation, by the decision of their courts, and by statute enactments.

"Dr. Belknap, in his account of the decrease of slavery in 'Massachusetts, says: 'At the beginning of our controversy 'with Great Britain, several persons, who before had entertained sentiments opposed to the slavery of the blacks, did 'then take occasion publicly to remonstrate against the 'inconsistency of contending for our own liberty, and at 'the same time depriving other people of theirs.'"

With singular inconsistency, it is charged upon Massachusetts by several gentlemen, that her hostility to slavery commenced when it ceased to be profitable, and in the same hour it is declared that we are warring against our true interests, because slave labor and slave products contribute so largely to our wealth. Gentlemen, be a little charitable, if you cannot afford to be just. In calling us in the same breath knaves and fools, do not you forget your self-respect?

But, to obtain justice to Massachusetts and her old policy, I must take an appeal from the excited and angry passions of our fellow-citizens of the South, to the sober judgment of a foreigner, Grahame, who, in his History of the United States, says:

"Among other subjects of dispute with the British Government and its officers, was one more creditable to Massachusetts than even her magnanimous concern for the liberty of her citizens and their fellow colonists. Negro slavery still subsisted in every one of the American provinces; and the unhappy victims of this yoke were rapidly multiplied by the progressive extension of the slave trade. * * * But the recent discussions with regard to liberty and the rights of human nature were calculated to awaken in generous minds a juster impression of negro slavery; and during the latter part of Governor Bernard's administration, a bill prohibitory of all traffic in negroes was passed by the Massachusetts Assembly. Bernard, however, in conformity with his instructions from the Crown, refused to affirm this law; and thus opposed himself to the virtue as well as to the liberty of the people whom he governed. On three subsequent occasions laws abolishing the slave trade were passed by the same Assembly during Hutchinson's administration; but all were in like manner negatived by the governor. And yet it was at this very period, when Britain permitted her merchants annually to make slaves of more than fifty thousand men, and refused to permit her colonists to decline a participation in this injustice, that her orators, poets, and statesmen loudly celebrated the generosity of English virtue in suffering no slaves to exist on English ground, and the transcendent equity of her judicial tribunals in liberating one negro who had been carried there. Though Massachusetts was thus prevented from abolishing the slave trade, the relative discussions that took place were by no means unproductive of good. A great amelioration became visible in the condition of all the negroes in the province; and most of the proprietors gave liberty to their slaves. This *just* action—for such, and such only, it deserves to be termed—has obtained hitherto scarcely any notice from mankind: while the subsequent and similar conduct of the Quakers in Pennsylvania has been celebrated with warm and general encomium. So capricious is the distribution of fame: and so much advantage does the reputation of virtue derive from alliance with sectarian spirit and interest."

It was such laws passed by the Massachusetts Legislature and vetoed by George III., that Mr. Jefferson referred to in his original draft of the Declaration of Independence.

"He has waged cruel war against human nature itself, violating the most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere; or to incur a miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the christian king of Great Britain. Determined to keep open a market where men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce."

South Carolina and Georgia did not concur in this sentiment, and it was omitted in the Declaration; but the inconsistency of holding in bondage creatures of a common Father, made in his image, after all men had been solemnly declared free and equal, was felt and acknowledged. This sentence, however, stands in the Declaration, in spite of a too delicate sensibility: "He has refused his assent to laws the most wholesome and necessary for the public good."

I forbear to speak of the efforts of Rufus King, another bright star of Massachusetts, to secure the blessing of liberty and free government for the West, and leave to the gentleman from the Empire State, or the gentleman from New Jer-

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Constitution; that, appreciating the inestimable benefits flowing from it, they believe it better for all parties and sections, with reference to any existing evils, to wait and work patiently under and through the Constitution, than to destroy it; and they have no doubt that they hold these sentiments in common with overwhelming majorities of the people of these United States; but, in any event, they will follow their principles, deterred by no threats of disunion, and no fear of consequences.

Resolved, That the integrity and permanence of American power on the Pacific ocean, the increase of our commerce and wealth, the extension of our institutions, and the cause of human freedom on this Continent, require the immediate admission of California into this Union, with her present constitution, without reference to any other question, or measure, whatever.

Resolved, That the sentiments of the people of Massachusetts, as expressed in their legal enactments, in relation to the delivering up of fugitive slaves, remains unchanged; and inasmuch as the legislation necessary to give effect to the clau e of the Constitution relative to this subject is within the exclusive jurisdiction of Congress, we hold it to be the duty of that body to pass such laws only, in regard thereto, as will be sustained by the public sentiment of the free States, where such laws are to be enforced, and which shall especially secure to all persons whose surrender may be claimed as having escaped from labor and service in other States, the right of having the validity of such claim determined by a jury in the State where such claim is made.

Resolved, That the people of Massachusetts in the maintenance of these their well-known and invincible principles, except that all their officers and representatives will adhere to them at all times, on all occasions, and under all circumstances.

Approved *May* 2, 1850.

sey, the grateful duty of commemorating the service of a much-honored father. I know that the work can be better performed by either of them, and I trust no feeling of too nice delicacy will deter them from doing justice to a subject so interesting.

Sir, I will not be so presumptuous as to suppose that any poor words of mine can add to the fame of Nathan Dane; it needs no empty flourish. Even if Webster, in tones of surpassing beauty, power, and eloquence, had not made his name the running-title of the brightest pages in the classics of our country and of the age, the virtues, labors, and wisdom, of Dane would have inscribed themselves on imperishable tablets.* Nathan Dane died childless, but generations who have enjoyed and shall enjoy the fruits of his wisdom and benevolence will cherish his fame and bless his memory. He was the author of the Abridgment of the American Laws, and he founded the Law College in Cambridge University, of which Joseph Story was the first professor. At one time, students were congregated at that school from every State in the Union. I hope the lessons there learned in statute law, common law, the law of nations, and especially the law of humanity, will never be forgotten. He was a munificent benefactor to that College; but his greatest and best gift was the Dane proviso, by which a well-regulated government was given to the Northwestern Territory. May no man who has enjoyed any of his benefactions, law, literature, liberty, ever say

"Timeo Danaos et dona ferentes,"

In former times and in modern times a grateful people have raised statues and built monuments in honor of public benefactors. I will not invite the men of the West to sculpture marble or pile masonry to the memory of Nathan Dane. The prosperity, the wealth, the intelligence, the free institutions of that happy land, are raising that monument. It has reached almost to its completion. It remains for the Representatives of Ohio, Indiana, Illinois, Michigan, Wisconsin, and Iowa, to place the cap-stone with due solemnities; and Whigs, Democrats, and Free-Soilers, by one united effort for freedom, you can raise that stone and crown yourselves with wreaths of unfading honor, and gild Dane's monument with imperishable glory.

I have not alluded to the more recent dispute about the modern application of the Dane proviso. I care not so much whether it be called the Winthrop, the Wilmot, or the Brinkerhoff; whether the thunder comes from the right hand or from the left, it is an omen of good; nay, it is an absolute good if it dispels noxious vapors, and clears the air so that men, all men, may breathe freer. No matter who is the cloud-compeller—whether Whig, Democrat, or Free-Soiler—he shall be welcome, and have my support in all reasonable and honest means for securing the liberties and maintaining the prosperity of the country.

Gentlemen of the South complain of outrages and aggressions on the part of the North; "but the great and primary cause of complaint," in the words of a renowned southerner, a star which has now left its sphere, "is to be found in the fact that the equilibrium between the two sections in the Government, as it stood when the Constitution was ratified, and the Government put in action, has been destroyed." You demand that equality should be restored and maintained. As well might you ask that the laws of nature should be suspended; as well might you demand of us that a parching sun shall not dry up your rivulets, and wither the verdure of your fields. Our fair tree of liberty, planted by rivers of living water, and nourished by the influences of heaven, strikes deeper its roots, and spreads wider its branches. It is clothed with those leaves which are for the healing of the nations. Spare that tree! It must not be lopped nor mutilated. If the pride of your forest is torn by a tornado, or scathed by lightning, our tree must not therefore be shorn of its fair proportions. With us, persons, as well as property, are protected by law; and honest, contented, happy labor everywhere looks up and smiles, with the sure prospect of an adequate reward. For this reason, in spite of a sterile soil, and a climate almost inhospitable, our population increases, and with it come a moderate competency and general comfort. It is not the result of any national legislation; for you admit that for fifty, out of sixty years, the South has controlled the country. You have imposed embargocs and other restrictions on commerce; you have made and repealed tariffs; and you have created and destroyed banks, as suited your wisdom or your caprice; and we have prospered, although the truth compels me to say that labor is now greatly depressed, almost prostrated, under the operation of your last, great experiment.

The provision of the Constitution which determines the apportionment of Representatives and direct taxes was a financial arrangement. It may be true that some of the States would not have consented to come into the Union unless such consideration was given to their property, but at that time a heavy national debt was to be provided for, and the Treasury was bankrupt; with the advantage to the South of her three-fifths representation came the almost certain burden of constant taxes. And it may be seriously questioned whether we of the North have not a right to insist that taxation and representation, so long severed, shall now be coupled, and that legislation shall be so modified in regard to new Territories and new States hereafter to be admitted. In reference to their slave representation, it is no compromise but a concession; it is giving them representation without taxation, a boon without an equivalent. The South contend for the right of carrying their property (persons held to labor) into the newly-acquired territories, but it does not follow that the right of representation should accompany that property. The original agreement must stand, hard as it bears upon us; but I see no necessity and no justice in extending it to other parties.

At the time of the adoption of the Constitution, slavery was considered "the curse of Heaven on the States where it prevailed"—it was supposed that the number of slaves was diminishing, and it was confidently hoped that the anomaly of a people of equal rights being controlled by an aristocracy of property would soon cease. Would it be a new "outrage and aggression" on the part of the North, if they should respectfully ask, that in the admission of new States the representation in this House should be determined by their respect

* See WEBSTER's speech on FOOT's resolution.

ive numbers of free citizens? and that whenever a direct tax shall be apportioned among the States, and paid by said States, then, as taxation and representation are to go together by the provision of the Constitution, their respective numbers may be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons? It is a matter well worth the consideration of our friends who think that the Constitution needs amendment, and the Government requires a new equipoise.

I abhor sectional jealousy and strife; may ruin seize on every combination for disunion—"confusion on its banners wait." But in order to maintain domestic tranquillity and preserve the Union, the forbearance, compromise, and concession must be mutual. All the provisions of the Constitution must be respected; our citizens must be as free in southern ports as yours are in northern. Give us an equilibrium, and let it be firmly based on truth, and right, and justice. Then will our country become the abode of lasting peace and the admiration of the nations.

The people are too brave to be conquered by any foreign foe. Only themselves can destroy their liberties. Our country is so strong, the Union so well balanced and guarded, that no violence and no heat but that of internal fires can make an explosion that shall scatter it into fragments; woe to the hand that strikes the spark or fans the flame.

If the Constitution and the Government had been always rightly understood and administered, we should not now be annoyed with the din of civil strife, nor threatened with disunion. If the principles and the wise maxims of the fathers had been maintained, no question would have been started at this day and on this floor whether the Government be a despotism, an aristocracy, or a democracy. I have admired the nice distinction of Dr. Kirkland in his life of Fisher Ames:

"A Republic is that structure of an elective government in which the Administration necessarily prescribes to themselves the general good as the object of all their measures; a Democracy is that in which the present popular passions, independent of the public good, become a guide to the rulers. In the first, the reason and interests of the society govern; in the second their prejudices and passions. Then it is that men, not laws, govern. Then the government is a despotism beyond rule, not a Republic confined to rule. It is strong, but its strength is of a terrible sort,—strong to oppress, not to protect; not strong to maintain liberty, property, and right, it cannot secure justice, nor make innocence safe."

Of Mr. Ames, Dr. Kirkland says: "Fortu-'nately for him, he did not need the regrets of 'folly to make him wise, nor the remorse of guilt 'to make him virtuous." How fortunate would it have been for our country, if the admission of Texas and the Mexican war had not made it suffer the bitter experience of the regrets of folly and the remorse of guilt—the serpent would not have tempted us with this apple of discord.

The President, I think, desires to administer the Government in its simplest republican form. He is charged by the eloquent Representative of one of the districts in Virginia, which has resolved that it will *not* be represented in the Southern Convention, with interference and usurpation in the formation of a State government by the people of California. He thinks Congress ought at once to remand California to her rightful position of territorial dependence. He asks, "is it to be tolerated 'that, under this name of non-intervention, there 'should be the most effectual intervention against 'the South? That while slaveholders, with their 'property, had been kept out, and an adverse decis-'ion was inevitable, the people should have been 'invited and encouraged to establish an organic law 'of perpetual exclusion, and stamp it on vast regions 'of uninhabited space; and that such process is to 'be repeated as often as necessary for our perpetual 'disfranchisement? Sir, it is a gross outrage on the 'South. The whole policy, its recommendations 'and defences, should be scorned and repudiated by 'every slaveholding State."

Mr. T. B. King, the agent of the Government, says: "I declare all assertions and insinuations 'that I was secretly instructed to, or that I did in 'any way attempt to influence the people of Cali-'fornia to exclude slavery from their territory, to 'be without foundation." He is himself a resident of a slaveholding State, and represents the convention to have been composed of eleven members originally from the free States, and twenty-six from slaveholding States and places south of the Missouri compromise—how fitting agents and conspirators were these for a southern President to employ to subvert southern rights and southern interests! The eloquent Virginian says, "but for 'General Taylor I have respect and kindness; I do 'not in fact hold him responsible for the action and 'policy of that message. He is, I believe, an 'honest, brave old soldier—his desire to give peace 'to an agitated country and to allay alarming sec-'tional animosities, have been made subservient 'to a policy of insidious disfranchisement and ex-'clusion of the people of the slaveholding States." And he then makes a pathetic appeal to the old soldier as a native of that State, the mother of heroes and statesmen, and as a citizen of the South, "not to trample on the rights of her sons—to re-'buke the mad fanaticism and grasping power of 'the North, and illustrate his administration with 'a glory that, through the vista of time will be 'surpassed only by that of Washington."

Sir, if the crisis must come, we may rejoice that a man, too, has come fit to meet the crisis. We have now a President who knows no North, no South; who is satisfied that the people and their representatives shall make the laws, and who means himself to execute them. We have a President *nec corrumpere, nec corrumpi*, who cannot be bought and who will not sell; who cannot be enticed by flattery, nor forced by violence from his firm purpose to support the Constitution, to preserve the Union, to maintain peace at home and peace abroad.

Let General Taylor remain true to himself and consistent with his established noble character—let him be faithful to the people and to the whole country, and he will secure a blessing that will outlive "the rapture of the strife of the earthquake voice of victory—a boon that will survive all civil and all military glory—that consciousness of right which will support and cheer him in the trials of this world, and lend him the strong wings of Hope in his passage to a higher and better sphere. The eyes and the hopes of the people are upon him; may Heaven make him its instrument for good to the country, to humanity, to the world.

Extract from vol. ix. of Dane's Digest of American Law.

"As after the lapse of forty-three years, some for the first time claim the ordinance of July 13th, 1787, as a Virginia production, in substance Mr. Jefferson's, it is material to compare it with his plan or resolve (not ordinance) of April, 1784, in order to show how very groundless the assertion of Senator Benton is, that the ordinance of 1787 was chiefly copied from his plan. To those who make the comparison, not a word need be said to refute his assertion, on the face of them the difference is so visible and essential. But thousands read his speeches, extensively published, where one makes this comparison. It is surprising, at this late day, that this claim is made for Virginia, never made by herself.

"As but few possess the Journals of the old Congress, in which Mr. Jefferson's plan of 1784, and the ordinance of 1787, framed by the author, (Nathan Dane,) are recorded, it is proper to point out the material difference between them.

"1st. The plan of 1784 is contained in two pages and a half; the ordinance of 1787 in eight pages.

"2d. The first page in the plan or resolve of 1784 is entirely omitted in the ordinance of 1787.

"3d. From the remaining page and a half of the plan, there appears to be transferred to the ordinance, in substance, these provisions, to wit: 1st. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation. 2d. To all the acts and ordinances of the United States in Congress assembled conformable thereto. 3d. The inhabitants and settlers in the said territory shall be subject to pay their part of the Federal debts, contracted or to be contracted, to be apportioned on them by Congress according to the same rule and measure by apportionments thereof as shall be made on other States. 4th. The legislature of those districts or new States shall never interfere with the primary disposal of the soil by the United States in Congress assembled; nor with any regulation Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. 5th. No tax shall be imposed on lands the property of the United States. 6th. In no case shall non-residents be taxed higher than residents.

"And in no case shall non-resident proprietors be taxed higher than residents."

"It will be observed that provisions 4, 5, and 6, which some now view as oppressive to the West, were taken from Mr. Jefferson's plan. The residue of the ordinance of '87 consists of two descriptions; one *original*, as the provisions to prevent legislatures enacting laws to impair contracts previously made—to secure to the Indians their rights and property—part of the titles to property made more purely republican, and more completely divested of feudality than any other titles in the Union were in July, 1787. The *temporory* organization was new; no part of it was in the plan of '84. The other description was selected mainly from the constitution and laws of Massachusetts, as any one may see who knows what American law was in '87; as, first: Titles to property, by will, by deed, by descent, and by delivery, cited *verbatim* in the 7th volume of this abridgment, pages 389-390. Here it may be observed, that title to lands once taking root are important, as they are usually *permanent*. In this case they were planted in 400,000 square miles of territory, and took root as was intended. Second: All the *fundamental, perpetual articles of compact*, except as below; as 1st, securing forever religious liberty; 2d, the essential parts of a bil of rights, declaring that religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education, shall forever be encouraged. These selections from the code of Massachusetts, as also the titles to property, have created for her an extensive and lasting influence in the West, and of the most republican, liberal, and beneficial kind.

"The organization providing officers to select or make, to decide on and execute laws, being *temporary*, was not deemed an important part of the ordinance of '87. Charles Pinckney assisted in striking out a part of this in 1786.

"The sixth article of compact—the slave article—is imperfectly understood. Its history is: In 1784 a committee, consisting of Mr. Jefferson, Mr. Chase, and Mr. Howell, reported it as a part of the plan of 1784. This Congress struck out; only two members south of Pennsylvania supported it; all north of Maryland present voted to preserve it, so as to exclude slavery. It was imperfect; first, as it admitted slavery till the year 1800; second, it admitted slavery in very considerable parts of the territory forever, as will appear on a critical examination, especially in the parts owned for ages by French, Canadian, and other inhabitants, as their property, provided for only in the ordinance of '87. In this ordinance slavery is excluded from its date, and forever from every part of the whole "territory of the United States, northwest of the river Ohio," over all which the ordinance established government.

"The amended slave article (as in the ordinance of '87 was added on the author's motion, as the journals show) was not reported.

"In the said 7th volume, published in 1824, full credit is given to Mr. Jefferson and Mr. King, on account of their slave article, too limited—amended in July '87, by extending the ordinance of that date, to the slave article in it, over the whole territory, and to take effect from that date. In 1802, the Indian article was made a fundamental part of a southern compact. The provision as to impairing contracts was afterwards adopted into the Constitution of the United States, also into the several State constitutions, and after forty years' experience, into that of Virginia.

"In the great Missouri debate, in 1820, &c., one southern member, at least, viewed this ordinance as a northern usurpation; especially, as to the six articles of compact. Mr. B., in 1830, claims it as an honor to Virginia and Mr. Jefferson. Col. Carrington, of Virginia, as chairman of the committee *pro forma*, reported the ordinance, but formed no part of it. Of late years this ordinance has been made a subject of particular importance, as proving the authors of it have afforded essential means in promoting the prosperity and rapid growth of the West. It was found in the great Missouri debate, the southern attempt to run it down would not do. As a western Senator said, in that debate in Congress, it had been the cloud by day and a pillar of fire by night, in settling the country. Others, to the same purpose. On this and some other discoveries, this northern usurpation, as Charles Pinckney viewed it, is now claimed as a southern production, to prove southern friendship to the West; also to prove even in '87 the East did nothing in building up the West. In this point of view, the East will not readily yield its just claim in that business—a claim not denied for forty years and more.

"On the whole, if there be any praise or any blame in this ordinance—especially in the titles to property, and in the *permanent* parts, so the most important—it belongs to Massachusetts, as one of her members formed it, and furnished the matter, with the exceptions following: First, he was assisted, in the committee of '86, in the *temporary* organization, almost solely by Mr. Charles Pinck-

ney, who did so little he felt himself at liberty to condemn this ordinance in that debate. Secondly, the author took from Mr. Jefferson's resolve of '84, in substance, the said six provisions in the fourth article of compact as above stated. Thirdly, he took the words of the slave article from Mr. King's motion, made in 1785, and extended its operation, as to time and extent of territory, as is above mentioned. As to matter, his invention furnished the provisions respecting impairing contracts and the Indian security, and some other smaller matters; the residue, no doubt, he selected from existing laws, &c. In regard to the *matter* of this note, it is a portion of American law, properly and conveniently placed in this appendix. The *particular form* of this note is in answer to many requests lately made, by members of Congress and others, to be informed respecting the formation, the detail, and authorship of this ordinance, which, in forty years, has so often restrained insolvent acts, stop-laws, and other improper legislation impairing contracts."

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SPEECH

OF

HON. JOHN McQUEEN, OF S. CAROLINA,

ON THE

ADMISSION OF CALIFORNIA.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, JUNE 6, 1850.

WASHINGTON:
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1850.

ADMISSION OF CALIFORNIA.

The House being in Committee of the Whole on the state of the Union, and resuming the consideration of the California question, the President's Message in relation to that subject being before the Committee—

Mr. McQUEEN said:

Mr. CHAIRMAN: I think it more than likely that nothing I may submit will change the views of members of this body, or stay the aggression which, for some time, I have too plainly seen rapidly advancing from the northern portion of this Confederacy upon that part of it from whence I come; yet I feel it my duty to employ one hour, the first I have attempted to consume in this House, or in any other legislative body, in portraying some of the most prominent facts and indications which threaten not only the ruin and degradation of the South, but, in my judgment, the downfall at no very distant day of this once happy Confederacy. That we have arrived at a period, when it becomes every honest man to reflect, and gravely reflect, upon the true condition of the country, none can doubt; and to view that condition properly, the various causes which have produced it should be most carefully examined.

It is useless to disguise the fact, that a system of aggression, regular and unabating, is going on against the South; which if persisted in by the North, and submitted to by the South, must end in nothing less than our utter degradation. Sir, I do not speak without a meaning, when I say our utter degradation and ruin; nor can any artifice however ingenious, or any device however cunningly shaped, so cover up the truth as to hide it from the most ordinary capacity.

What, then, is the great and moving cause which has brought us to this unhappy and dangerous condition? In my judgment it proceeds from more causes than one. It proceeds from a misconception or misconstruction of the true principles upon which this Confederacy was entered into by our ancestors, and a sickly, fanatical sentiment, entertained now too generally by the inhabitants of what they please to call the free States, in relation to an institution of which they really know but little, and with which they have no more right to interfere, than they have to dictate to the inhabitants of the southern States, in what churches and at what altars they shall worship that God who gave them being. Sir, if this Government were a union of undefined powers, concentrated in one common head here, the rights which the North now claim in relation to slavery might, with some degree of plausibility, be asserted. And tainted as they are by an education founded in falsehood, slander, and misrepresentation, there would be some apology for the claim. But, fortunately for us, the Government never was constituted, or intended to be, one grand consolidated engine of powers, that might to-day be wielded by an unrestrained majority to the destruction of any one section of the Confederacy, while to-morrow, that section getting the ascendency might, in turn, convert it into an engine of revengeful destruction, until its devastating powers should annihilate the whole. No, sir; no. The framers of our Constitution were too recently relieved from a struggle in which the question of equal rights and just powers were deeply involved, to allow them to have forgotten the rights of the several colonies, who in one common cause had waged a war of seven years against oppressions. Each colony was too jealous of its own sovereignty ever to have merged it in one common sovereignty, which, by a bare plurality of numbers, might be perverted to any purpose that fanaticism and madness might suggest.

When the framers of the Constitution came together to adopt a plan of government for their common defence, it did not enter into the mind of any one that they were other than delegates from thirteen independent sovereignties—independent of each other and independent of the world. It never entered their brain that they were authorized to transfer that high and exclusive sovereignty inherent in the people of each State, to any power on earth, to be wielded by a mere majority against one-half of the States, even to their destruction. Nor would those who sent them ever have recognized their acts, had they attempted to do so. We see the prudent jealousy manifested in the express reservation of all powers not *expressly* granted to the general agency. Who for a moment can suppose that Rhode Island would ever have consented to commit her fate to the hands of New York and Massachusetts, upon the monstrous principle that her internal affairs were to be regulated by an unrestrained majority? She did refuse for two years to give her sanction, as it was; and I venture the assertion that no three States in the Union ever would have ratified the Constitution, had the northern sentiment of the present day even been suspected, by which the right of legislation is here claimed from the establishment of a flower garden to the degradation and destruction of one-half the States. Had those who formed the Constitution returned to those who sent them, and said, We have entered into a compact by which for your general welfare and happiness we have mingled your sovereignty with that of the other States, to be regu-

lated by the opinion of a majority of all the people of the States, unrestrained by any other check than their opinion and will,—they would have been burned in effigy sooner than received to the bosom of their people. Their names would have been consigned to the scorn and indignation of all, rather than perpetuated in history as a band of sages who had erected a beacon to guide the civilized world in the way of freedom and the highest enjoyment of human happiness. But, sir, it would be a libel upon their wisdom, their sagacity, and patriotism, to give such construction to their acts. They never contemplated the present state of things under *their* Constitution. They never supposed that a sickly fanaticism would profess to move under its letter or spirit, until agrarianism and desolation shall pervade the land.

It is well known that it is to the North we are mainly indebted for that unlimited construction of the Constitution of which I have spoken. She, from her very nature and climate, is denied the production of many of the staples necessary for the food and raiment of the human family, and consequently must live upon the products of other places; her inhabitants must live by their genius and wits, rather than the first service allotted to man by his Creator. This necessity early established in their judgment the right to tax the agriculture of the South with tribute to their mechanic pursuits; and, as a matter of course, construe the compact of Government to answer that purpose. This principle established, the door has been thrown open to any other heresy that may have its time until, under the broad ægis of a general welfare constitution, nothing that a majority, however mad, may design, will not be accomplished.

But I have not time to dwell longer on this branch of my subject, and will come now to what I consider the immediate cause of the serious difficulties in which we find ourselves. And no one need be told it is the actual war, (though not yet of the sword,) carried on by one-half of the States of this Confederacy against the other, emanating from a sickly fanaticism among those who, if it were an evil, should be most lenient toward those who now have amongst them African slavery. They claim that they are too holy and pure to allow slavery to exist within this Confederacy—that they themselves, though once contaminated with it, have, from motives of philanthropy and benevolence, long since abolished it; but not content with their own holiness and sanctity, have a duty devolving on them of wiping it off the face of this continent, as a thing too abominable for their toleration. And yet, who does not know that it was northern capital and northern seamen mainly who brought from Africa the thousands whose posterity are the objects of so much strife? Nor is it true, that they abolished slavery, as they pretend they did, within their own limits. In this whole matter they have the grace to claim that which the truth of history denies them. The South, as is well known, was greatly opposed to the shipment of Africans within their borders, but the northern *philanthropy* of that day forced it upon them for their general "welfare and happiness;" and now, when they have civilized and christianized them, the same North, in its next generation, arrogates to itself to tell us that it is a black stain upon our country, and they will take such a course as we had better prepare for—they will give us twenty-five years to see the black pall of slavery banished from this continent.

Sir, I have said that the North profess a virtue in the abolition of slavery which the truth of history denies them. They never did diminish, to any considerable extent, the number of slaves in this Confederacy. They passed acts, it is true, in their several States, when they found that neither their soil or climate rendered them longer profitable, but they were prospective in their operation, and before they took effect, they took good care to sell in the South the most saleable of their negroes, and pocket the money. They turned loose upon the world those who were old and unfit for sale, and then unblushingly proclaimed a philanthropic and holy act, by which they had purified their souls and washed from amongst them the black stain of slavery; whilst, in fact and in truth, they simply transferred them to a more genial clime, but took good care to transfer themselves, by the operation, to that class which they call the upper ten thousand, whilst their children to this day are basking in the affluence thus commenced and secured. And it does seem to me unfortunate that gentlemen, at this day, who profess to believe the Bible, and claim so much purity in themselves, should forget that part of the Decalogue which tells us that God is a jealous God, visiting the iniquities of the fathers upon the children unto the third and fourth generation, and that they should not reflect how damning a sin they are proclaiming against their ancestors, and content themselves with prayer for its forgiveness, and let us alone. We feel at least as capable to pursue the path of duty to ourselves, our country, and our God, as they do. If it be a sin, which I earnestly deny, it is now our sin. We are content to answer for it, and it is arrogance, rank and insulting, to presume to dictate to us, under an insidious, hypocritical, or fanatical sentiment, against the Bible, from the earliest history of the world to the present moment, and against our peace and unquestionable rights in this Confederacy, which, I trust in God, every true-hearted southerner will defend against further aggression, as they would their hearthstones and their lives. But to return from my digression: I have said that the northern States never have, to any considerable extent, diminished the number of slaves in this Confederacy, and will refer to one or two instances of the *modus operandi* of their emancipation to show that fact.

In 1790, according to the census, there were in New York, 21,324 slaves and 4,654 free colored persons; between 1790 and 1800, I presume it will not be contended there was any emancipation in that State, and it is fair to suppose the number of free colored could not have increased by the manumission of slaves to any extent of consequence. In those ten years the free colored increased to 10,374, making about 1,000 over double, whilst by the census of 1800 there were still in the State 20,343 slaves; and had they increased by procreation in the same ratio with the free colored, there should have been about 45,000. And should it be said that the manumission of slaves increased the number of free colored, still 19,000 must have been sold to the South, or the parents of those who would have raised that number, supposing the free colored not to have increased at all; but I presume few if any were at that day set free, and it is fair to continue the calculation upon the basis of the increase of free colored during that period. By the census of 1810 there were 25,333 free colored, making an increase of about the same ratio, and the number of

slaves was 15,017—showing a diminution of only a few over 5,000 in those ten years, whilst again their increase would have swelled the number to about 43,000, of whom about 28,000 must have found a southern market. Nor can it be said that during this interval, any were set free by legislative enactment, because an act which had been passed in 1801 only declared that children born after July 1799 should be free, but that they should continue in the service of their owners until they arrived at the age of twenty-eight years; and they could not until July, 1827, have been classed in the census as free. But by the same act of 1801, a door was left open by which the operation I am describing might be carried on by law; as owners were allowed, under certain regulations, to carry their slaves beyond the limits of the State, and no law was passed until 1827 abolishing slavery within that State. In 1820 the free colored were 29,279, showing an increase in ten years of only 3,946, when the number of slaves was 10,088, being reduced within the ten years 4,929. Now supposing the free colored had not increased at all, nor the slaves either, and that every one of the 3,946 increase of free colored had been caused by the liberation of slaves, still there were about one thousand slaves disposed of in some other way. But taking my original data, there should have been at this time about fifty thousand free colored and 30,000 slaves, and about 25,000 of the latter must again have found a more southern clime. During that period too, there was an unaccountable falling off of the increase of free colored, which may be accounted for, perhaps, by the supposition that in those transition times many of them might have traveled off with those who, under the law, had a right to carry their slaves out of the State; and this may, to this day, furnish a reason why gentlemen of the North are so very cautious in providing laws against kidnapping; for I have never been aware that free negroes were ever carried south by southern ships or southern traders. By following the calculation through the census of 1830, equally clear results will be found.

I have not time to trace this process through the New England States, but I believe the same system of boasted emancipation took place in every one of them. I shall but refer to the State of Rhode Island, one of the earliest cradles of African slavery in this Confederacy. In 1790, she had by the census 3,469 free colored, and 952 slaves—she was then deep in her transition state. In 1800 she had 3,304 free colored, and 381 slaves: supposing her free colored had not increased at all, yet there are 165 unaccounted for, who may have fallen into the hands of kidnappers; but there are also unaccounted for 571 of the slaves, who could not have been liberated and added to the list of free colored, for that had diminished; and I leave it to the holy philanthropists and abolitionists of the North to trace the destinies of that unfortunate band of brothers, together with the increase of both classes for the 10 years. Their posterity may, perhaps, see where they found a market from the fact, that after the slave trade was limited to 1808, the ports of Charleston, South Carolina, being opened for the importation of Africans in the year 1804, and remained four years. By the census of Charleston, during that time there were *two hundred and two* vessel entered the port of Charleston with African slaves; and from the custom-house books, and from under the hand of the collector at that time of Charleston, he gives authentic information, that of these two hundred and two vessels which were engaged in that trade and entered the port of Charleston, 108 of their CARGOES were owned by foreign countries, (many of them in Great Britain,) 14 in southern States, and 79 in northern free States.

The truth is, the free States, as I have said, never did liberate their slaves; they sold them to the South, and built much of their manufacturing and commercial interest upon the money; and by a system of aggression as unwarranted as the present, they have taxed their labor and plundered their owners ever since, through the instrumentality of this Government, to add to their own aggrandizement.

I venture the assertion, that no such instances of emancipation have ever been known in the North as have taken place in the South. It is well known to all gentlemen in the South, that one man in Louisiana liberated twelve hundred slaves, whilst the whole State of Rhode Island in 1800 had not a great many more than twice that number. I also deny that those who have been turned loose on the charities of the North are, or ever will be, in as comfortable a condition as those who are slaves with us. They are in a cold and ruthless climate, amongst a white race as distinguished for cupidity and sharpness as any that ever inhabited a spot of this Globe. Inferior in intellect and genius to the whites—destitute of friends who are in affluence and power to employ and assist them—owning little or no land—unable to compete with Yankee ingenuity—indisposed at best to labor honestly—incapable of social equality—without food and clothing, or even fuel to warm their wretched bodies during the piercing blasts of winter—they naturally betake themselves to every species of horrible and loathsome vice known in the world; and in proof of this I need but cite to the places of public resort, where they are allowed to congregate about the cities. You cannot hide from their squalid wretchedness; nor need the philanthropist go in search of more victims of misery on earth, for the exercise of his benevolence, than he may find in the cities—in the streets—in the cellars—in the alms-houses—in the suburbs—in the prisons and in the penitentiaries of the free States. And even those you find in best employment amongst them are generally carrying out the truth of the Scriptures, that "servants of servants shall they be." No preamble or misrepresented clause of the Declaration of Independence, or the grossly perverted passages of Scripture, will ever change this last condition until God has changed his nature, or his promises are violated.

Nor would I stop here, sir. I would carry the war into Africa if I had time to do so, and make the comparison, without fear of successful contradiction, between the condition of a very large proportion of the white population of the North and the slaves of the South; in which much that I have said in relation to the free negroes of the North would be equally applicable to the lower order of the whites, with this distinguishing difference, that forgeries and counterfeits, swindling and other artifices, requiring a higher order of intellect, are mainly confined to the whites. In proof of this, I need only refer to the records of your courts, your mobs, your State prisons, your penitentiaries, your stool-pigeon associations, your under-ground rail-roads, and every species of horrible device.

I have recently seen an account of five hundred true bills, I think, in one week, (I am sure in one

court,) in the pious city of Boston, for every species of crime. There have been expended in the county of Philadelphia, according to a published statement I have clipped from a paper, since the year 1842, upwards of $142,000 for the suppression of mobs; whilst, upon the other hand, I see it repeatedly stated that there are eighteen thousand human beings, living under ground and in cellars, packed together in rags and horrible wretchedness, in the great city of New York. I saw myself, three years ago, there, scenes such as my eyes had never beheld, and such, I trust, as I may be spared seeing again—amongst them a few that I never shall forget—two of them I will mention: The one was a blind man, led amid the throng on the great and crowded Broadway, by a string attached to a dog, (who seemed to me to have been his deepest sympathizer.) He held in his hand a plate, as he passed, that had nothing in it as bright as silver, when I stopped to add a trifle. The other was a woman, seated on the steps of the notorious Astor-House, with a shriveled and writhing infant on her knee, and whilst I was in the act of giving her a pittance, I was accosted by a citizen, who said she was doubtless an imposter, who had borrowed the child and bandaged it with bands to impose upon strangers.

In vain shall it be said such scenes and circumstances are confined to the cities. They are not to be found, either amongst the whites or the blacks, in the country or cities of the South. No, sir, no. Go to the farms and cities of the South, and see the African, fed, clothed, and happy, and let your false clamor stand rebuked forever. Nay, more; whether these things be in the cities of the North or elsewhere, they are gathered to the polls when it comes to voting, and swell the abolition fume, which comes here to denounce and insult us, in relation to an institution that, could they change and be elevated to its scale of happiness and contentment, they would be more improved in their condition than the philanthropy of the North will accomplish for them whilst they remain on this earth.

It is from this very city of New York there comes so strong a tide of abolition, as furnishes a distinguished member in the other end of the Capitol, who stands up in the presence of Senators, the people, and in the face of Heaven, and calls upon his God to witness his oath to support the Constitution under which he takes his seat, and yet declares, in his place, that so great is his philanthropy, he will yield in his conscience to a sense of higher duty, when slavery is in question, and whenever it is convenient to accomplish his purpose. God save me, sir, from such religion as this, and forbid that such votaries shall desecrate these Halls to the accomplishment of their purposes. Much better would it be to exercise their benevolence among the wretches who are panting among them, and let those only take oaths here, who are prepared to observe them. When they have relieved their own sufferers, we might better be prepared to hear them, and believe in their professions. Until they do this, I have no faith in their philanthropy, and would much soone r suspect that the religion of the Senator would find its happiest goal within the walls of a White House.

Sir, there is a state of things at the North, with all their boasted piety and philanthropy, which I trust will never be realized at the South. Look for a moment at their thousand societies and associations, anti-sabbath, anti-marriage, anti-rent, &c., with their infidel conventions, and views of socialism, and agrarianism, which seem to be rapidly tending to such a state of things as will pull down, to the deepest depths of agrarianism and confusion, all that the wisdom of a century has done for the country. I but recently saw from the columns of a paper, having, perhaps, as large a circulation as any in the Union, published in New York, by a gentleman last winter a member of this body, in substance, such sentiment as this: That the pirate who presented his pistol, and forced the surrender of a surplus over that which was necessary to one's own support, had the right to do so, and that the land-owner had no claim on his lessee, unless it were necessary for his own support. Such an abominable sentiment as this has been published before, from the Roman Tribune, and formed a great element in the course of things that pulled down that Republic. It was alike familiar in the Jacobin clubs of France, preceding the time when Robespierre, Danton, and Marat, ruled the destinies of that people, and held up to the world a spectacle that humanity would hide from in disgust. It remains to be seen what may be its effects in this progressive age of monstrosities of the North. It remains to be seen how long before those of every hue and clime, when made freemen and citizens by northern sentiment and practice, having forced the southern States to withdraw from an association made insufferable to them, will vote themselves a share, without law or right, of the substance of the country, when the verriest vagabond upon earth, may share equally with the honest man of the country, and when those whose sympathies are now so deep for the black race, may have their own *status* controlled by them, as in the crusade now against the South, their favorites are sent to this and the other end of the Capitol to rule the storm against us; but time admonishes me I must pass on.

I have said that actual war against the South exists in the conduct of the free States in relation to slavery; and I think every candid man who views things as they are, should sustain me in this position. Every State in this Union had slaves when this Confederacy was formed, unless Massachusetts. She, I believe, had some, though not to be found in the census of 1790; and it may not be too often repeated, that no association would ever have been formed had slavery not only been recognized, but more carefully guarded than any other species of property. Indeed it was to slaves and their proceeds the Government must mainly have looked for support—lands were then abundant and cheap, and no one supposed that impost duties under any scale of imposition ever could answer the exigencies of the Government; hence the provision that slaves and their proceeds should only be taxed in proportion to the representation of the States. Very soon, however, a spirit of fanaticism commenced its progress, which has progressed from various causes until we find ourselves in our present condition, with discord and strife from the one extremity of the Confederacy to the other, that I, for one, do not believe will ever be reconciled until the southern States will either be degraded and ruined, or that spirit of resistance which I think the duty of freemen requires, will vindicate her rights and her honor. I shall not attempt the enumeration of the thousand indications or facts which lead me to this conclusion—I will only refer to a few of them as I pass on. In

the progress of this spirit Abolition societies were formed, public sentiment began to receive the taint, men who were in most instances low and obscure, became orators, and acquired consequence that nothing less than superstition or fanaticism would have allowed them. Women and the youth of the country were taught to look upon the owners of slaves as fiends from purgatory; slanders of the grossest type were circulated to effect this purpose; emissaries from England were received and listened to as ministers from God; they propagated a thousand libels upon the South, represented cases of cruelty and blood, of which the southern people never heard; nor had they, unless upon their own ships whilst engaged in dragging the African from his native land. Ministers of the Gospel desecrated the pulpit with the grossest perversion of Scripture in aid of this unholy work. The Blue Laws were abolished, or rather worn out, by their own satiety, and the public mind found food in this unrighteous warfare upon the rights and peace of those whom, for the purposes of spoil and plunder, they would call brothers. Amid such a state of things there never have been wanting in any country demagogues to take advantage of the tempest and ride themselves into place; and in thirty years after the adoption of the Constitution, such was the influence of Abolitionism that in the admission of Missouri the Confederacy tottered on its pillars at the hands of the North. Here was the first daring outrage in our National Legisla ure to limit the extent of slavery, and the first unfortunate error by the South in confiding in pledges made by the North on this subject. They gave up a right at the shrine of peace and the Union, and they have in return for it a violated faith by the North, and the assertion that a precedent has been established by which the Constition may at all times be trampled under foot. Congress had no authority to make the Missouri compromise as a constitutional act, and never did alter or amend the Constitution, by that act. Indeed Congress cannot alter the Constitution; and although members might vote for an act as a compromise of their rights, yet the people would at all times have the right to repudiate it. If they fail to do so, still the act cannot change the principles of the Constitution. The Constitution is one thing, and a right under it is another. And although the people acquiesced in the disposal of a part of their territories to buy their peace at one time, it furnishes no reason why that act becomes an article of the Constitution. And even the argument itself comes with bad grace from the North, after having violated their pledge in the act from which they claim a precedent in the Missouri compromise. One set of our ancestors made the Constitution, and another set made the Missouri compromise; the latter, however, did or could not change the Constitution by their unfortunate act, and it remains to be seen whether the South will submit to still further aggressions by those who have violated their faith in every compromise ever made with them. A surrender of a right has seldom ever stayed further aggression. Those who unjustly demand a wrong to-day, will have no scruples in doing the same thing to-morrow; and those who yield to an unjust demand once, will always find the next more inordinate and insulting; and scarcely ever has wrong been repelled as easily as if met at the threshold. So has it truly been with the Missouri compromise. It not only did not allay the mad fury of Abolitionists, but it gave them new zeal and confidence in their career. They had converted slave territory into free soil, without right, or color of right, and it was but natural their energies should increase. But I have not time to dwell long upon the facts that mark the progress of abolitionism, from the time of that compromise to the present moment. If there was the slightest abatement in the agitation of the subject, I never have been able to learn it. On the other hand, it seems to me the victory then conceded to its advocates, but gave new vigor and confidence to their energies, until their influence has almost stricken down every obstacle to its progress, until it controls the almost entire political action of this Government. I cannot better portray its progress than Garrison himself has recently done in an abolition convention at Syracuse, in which he congratulates his confederates on the progress they have made, and the brilliant prospects before them. He contrasts the condition of abolition twenty years ago with what it is now. Then, says this apostle, the Governor of Virginia wrote a letter to the Governor of Massachusetts, complaining of an abolition meeting held in the city of Boston. The Governor of Massachusetts replied, "he had made inquiry, and could hear of no meeting in Boston except that of *a white and a negro man* held in a garret." Now their cause had spread until millions were its votaries throughout the length and breadth of the land. He truly enough describes the progress they have made, and dwells, with unspeakable delight, upon the influence they have acquired, and the prospect of speedy abolition of slavery throughout the Confederacy.

I am aware that to all this it will be replied, that Garrison and his associates are a miserable band of fanatics and madmen, unworthy of the notice of statesmen; yet truth bears me out when I assert, that they have been, and are the pioneers in fact, in this unrighteous crusade against the principles of the Constitution and the rights and honor of the South. They but mark out the road, and all, with but very few honorable exceptions, upon this floor follow in their wake; and so far as the practical results to the South are concerned, it is of but little importance to what party they belong, or under what name they are known. I know a distinction is attempted to be kept up at the North between those who are called Abolitionists and those who are not; but so far as the records of this House will show, it seems to me it is a distinction without a meaning, unless they mean that one party aim openly to accomplish their object, whilst the others disavow it, yet always vote with them when slavery is concerned. Let us see for a moment whether the action of this House has not kept good pace with Garrison and his band for the last fifteen years. Then petitions for the abolition of slavery could not be received; now, your Clerk's desk almost groans under them. As late as 1838, Atherton's resolutions passed this House, being separated, by votes of from two to one to four-fifths of this body, and are as follow:

"1. *Resolved*, That this Government is a Government of limited powers; and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the institution of slavery in the several States of the Confederacy.

"2. *Resolved*, That petitions for the abolition of slavery in the District of Columbia and the Territories of the United States, and against the removal of slaves from one State to another, are a part of the plan of operations set on foot to affect the institution of slavery in the several States, and thus indirectly to destroy that institution within their limits.

"3. *Resolved*, That Congress has no right to do that indirectly which it cannot do directly; and that the agitation of the subject of slavery in the District of Columbia or the Territories, as a means and with a view of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the Constitution, an infringement of the right of the States affected, and a breach of the public faith on which they entered into this Confederacy.

"4. *Resolved*, That the Constitution rests on the broad principle of equality among the members of this Confederacy; and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the States and another, with a view of abolishing the one and promoting the other.

"5. *Resolved, therefore*, That all attempts, on the part of Congress, to abolish slavery in the District of Columbia or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the country and another, with the views aforesaid, are in violation of the Constitution, destructive of the fundamental principles on which the union of these States rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition, or paper, touching or relating in any way or to any extent whatever to slavery, as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid on the table without being debated, printed, or referred."

Gentlemen from the North make no precedent of those resolutions and the vote upon them now. As late as 1842 the great abolition apostle and martyr from Ohio [Mr. GIDDINGS] received the censure of this House for offering the following resolutions:

"1. *Resolved*, That, prior to the adoption of our Federal Constitution, each of the several States composing this Union exercised full and exclusive jurisdiction over the subject of slavery within its own territory, and possessed full power to continue or abolish it at pleasure.

"2. *Resolved*, That, by adopting the Constitution, no part of the aforesaid powers were delegated to the Federal Government, but were reserved by, and still pertain to each of the several States.

"3. *Resolved*, That by the eighth section of the first article of the Constitution, each of the several States surrendered to the Federal Government all jurisdiction over the subjects of commerce and navigation upon the high seas.

"4. *Resolved*, That slavery, being an abridgment of the natural rights of man, can exist only by force of positive *municipal law*, and is necessarily confined to the territorial jurisdiction of the power creating it.

"5. *Resolved*, That when a ship belonging to the citizens of any State of this Union leaves the waters and territory of such State, and enters upon the high seas, the persons on board cease to be subject to the slave laws of such State, and, therefore, are governed in their relations to each other by, and are amenable to, the laws of the United States.

"6. *Resolved*, That when the brig Creole, on her late passage for New Orleans, left the territorial jurisdiction of Virginia, the slave laws of that State ceased to have jurisdiction over the persons on board said brig, and such persons became amenable only to the laws of the United States.

"7. *Resolved*, That the persons on board the said ship, in resuming their natural rights of personal liberty, violated no law of the United States, incurred no legal responsibility, and are justly liable to no punishment.

"8. *Resolved*, That all attempts to regain possession of, or to reënslave said persons, are unauthorized by the Constitution or laws of the United States, and are incompatible with our national honor.

"9. *Resolved*, That all attempts to exert our national influence in favor of the coastwise slave trade, or to place this nation in the attitude of maintaining a 'commerce in human beings,' are subversive of the rights, and injurious to the feelings of the free States, are unauthorized by the Constitution, and prejudicial to our national character."

For introducing these resolutions, a member of this House was promptly censured, (notwithstanding he withdrew them without testing a vote,) and returned to his constituents to be reinstated to his position. I pass by the struggle made on the question of abolition petitions, which has resulted at last in the reception of some eighteen thousand, and also the progress toward the abolition of the slave trade within this District, together with the effort to allow the slaves themselves to vote on that question, and come at once to resolutions offered during this session by the same distinguished leader from Ohio. They are as follow:

"*Resolved*, That we hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with the certain inalienable right to life and liberty; and that governments are constituted for the purpose of maintaining these rights.

"*Resolved*, That in constituting governments in any territory of the United States, it is the duty of Congress to secure all the people thereof, *of whatsoever complexion*, in the enjoyment of the rights aforesaid.

"Mr. HARALSON moved that the said resolutions be laid upon the table.

"And the question being put, it was decided in the affirmative—yeas 103, nays 90."

Let all who deny the progress of abolition in this Government contrast the letter, tone, and spirit of the foregoing resolutions, as well as the manner in which they were disposed of, and say whether it is not an insult to the understanding of the South, as well as to their rights, to endeavor longer to lull them into security by the worn-out and false assertion that there is but a band of fanatics engaged in this work, from whom the South have nothing to apprehend. Ninety members of both parties from the North virtually voted for these monstrous resolutions. Thirty-seven were absent, and we have no reason to believe, had they been present, a sufficient number would not have voted for them to spread them on the journals of this House, to remain forever as its fixed judgment upon the subject of slavery. These startling resolutions declare a perfect equality of the slave and his master, not only in the territories, but in the States; and although a few gentlemen from the North voted with us, yet we have no reason to suppose many of the absent would have done so. Many of them may have absented themselves by design, not being prepared to make so bold advance, and for this have, and are to receive, the lashings of the leaders against all those whom they call doughfaces. Nor in this day of abolition progress did the resolutions themselves excite more than ordinary feeling. No censure was offered for them, and every one knows no censure could have been carried.

No, sir, no; the cause of abolition is now too powerful in this Government to allow the censure one of its most distinguished leaders. No man opposed to its advocates can obtain preferment in its administration. He who seeks it, must at least avoid the sin of opposing their views, and those who resist them are now being called fanatics themselves. Who does not know that no man can be elected President who will avow his sentiments in opposition to them? And I mean by Abolitionists, all those who vote with them, and aid them in accomplishing their object. Who does not know that both the last candidates published such letters as were used by their friends at the North in favor of abolition, and at the South against it? I thought I saw it at the time, and refused to espouse the cause of either. I thank my God that I did. I would support no southern man who would not pledge himself to carry out the principles of the Constitution in favor of slavery, or no northern man who would publish such platform as would better suit, in my judgment, a Delphian oracle in olden times, than an American statesman. I have said to my friends for the last several years, that the object of the North was to abolish slavery in the entire South; and I still believe it, even though it be at the sacrifice of the life-blood of her white population. I have said

that the object was to cast around the slave States an abolition girdle, and then carry on a regular progression, as systematic and certain as an object could be accomplished. But I did not suppose the plan would be so soon disclosed on this floor as it has been, by gentlemen during this session. The programme already is committed to type. I have in my possession three several plats and pamphlets, sent me during the winter, in which this whole thing is regularly marked out; the transition States are clearly delineated, in which the slaves are to be put on equality with the whites, or sold further South; and the little State from which I come is the first on the East at which a rest is to be made, or the general massacre to commence in this unhallowed work, in which the black race are to light the midnight torch of assassination, and bathe themselves in the blood of the men, the women, and babes of the whites. As to their liberation and equality with the whites of the South, it is a purpose for which God never designed them, and a condition they never have attained on a single spot of the habitable globe; and until the North change their hypocrisy into works, I for one will not argue this subject with them.

But the grave question presents itself now to fourteen sovereign States of this Confederacy, equal in intelligence, in their rights, and the means of self-preservation and defence—with any people on earth,—whether, in the face of all these facts, they are prepared to submit to such degradation, or to cravenly allow it to be cast on their posterity? Will they allow a chain to be forged around them, out of territory of which they are entitled to their proportion, to be contracted like the crushings of the anaconda, until their race shall be forgotten? I invoke Heaven and the spirits of their ancestors to forbid it.

The vast and valuable territory now to be settled was obtained by our common blood and common treasure. In its acquisition—I would draw no invidious distinctions, though I do not conceive it immodest in me, to say—the little State from whence I come bore her equal part, and her citizens feel they are entitled to their proportion. I will not dwell upon the motives, or means, by which it was obtained. It was done by the people of the American States, and it is immaterial to me, as I think it should be to every patriot, who were or were not most active in obtaining it. It is obtained; it is ours; it cost us not only blood, but $150,000,000 of our common treasure. Who shall enjoy it possession and advantages? This is the matter we have to settle. Have any of the States, or their agents here, the right to exclude the others? If they have, I am sure I have yet to learn the reason, in law, in politics, in morals, or honesty, by which joint owners can be deprived of their fair proportion. There can be no reason, unless this Government is to be converted into a machine to be controlled by fanaticism or a sickly religious sentiment; and even then I have been educated in no school of religion, by which brothers should be robbed of their rights *by brothers*.

But there are a people occupying this territory, and they demand a government for the safety of their property and lives. And at this point a false issue, in character with the whole conduct of the North, is sedulously attempted to be kept before the world. It is said that the South have demanded legislative action to extend slavery over these territories, and that the North simply deny them that right. This is not the truth; and every honest man who knows the history of this whole controversy, knows it. The North are the actors in this whole issue, and the South but resist their efforts. It is very well known that near the close of the last session of Congress every southern member on this floor voted to give California a government, such as other Territories have had; every northern man, except very few whose hearts were on the side of justice, voted to defeat that measure, unless the bill should exclude the South from every foot of the territory; and that, too, notwithstanding about $7,000,000, necessary to carry out the purpose of the Government, were suspended upon it. Then the South agreed that the people of the Territory required a government better than that of the pistol and bowie-knife. Then we agreed that the citizens of the United States, wherever they were, deserved our protection and should not be neglected; but the North rallied to prevent it; and at one time during the last memorable night of the session, when there seemed to be some prospect of the passage of the bill, I witnessed the first practical operation of the yeas and nays, on this floor, at the hands of the North; and those brothers, now so much beloved in California—blood of our blood and flesh of our flesh—were left under the law of the bowie-knife and revolver, so horrible at this time to the sensibilities of northern gentlemen.

The inhabitants—I beg pardon—the floating population, of every color and nation, who happened in California, have, since that time, clothed themselves in the habiliments of sovereignty, and demand admission as one of the States of this Confederacy, upon equal terms with the others; and the very men who refused and prevented a government for her, as I have already said, are to a man her most zealous advocates; and it is amazing to witness the zeal of those gentlemen to accomplish their purpose and consummate a measure, such as the history of the world will furnish no parallel; but the reason is manifest and cannot be disguised. A great fraud had been practiced in the election of President, and to avoid the consequences of the Wilmot proviso, upon the strength and influence of party, this measure was devised to suit the Abolitionists; whilst the South is to be insulted and degraded, and the Administration sustained upon the popular clamor of the sovereign rights of the people.

But will this Government give its sanction to such usurpation? The question cannot be too often asked, Whence came the sovereignty to these people? Did it exist with the Mexicans, Indians, and negroes, who lived upon our land? Did the officers of the army possess it in their own right? Could the President, without the authority from Congress, confer it upon them? Did those who went there to speculate or dig gold carry it with them? Those who remained on the soil, after the treaty, could only be citizens of the United States, after the expiration of five years, by the law of Congress. The officers of the army were the mere agents of the people of the United States, and could not as such become sovereigns against the rights of the States. The President has no right to confer sovereignty on any one; nor can it be said, with truth, that mere visitors in the country have the right to make a constitution for it, and claim a domain equal in extent to one-half of Europe, to the exclusion of the rights of one-half the States of this Confederacy. But suppose there were some persons there having

such rights as are here pretended, how many were necessary to do this act? Was one a sovereign? were two? or one hundred or ten thousand? If any of these numbers, when did the blood of sovereignty begin to course their veins? These are questions that never could be answered to the satisfaction of a corporal's guard in this House, were it not that the southern man, with his slaves, is to be prevented from going there. There is no sovereignty in this country, except in the people of the States; and no agency of this Government can transfer it, except by limited power of attorney; and I am utterly opposed to its being usurped either by the President, aspirants for place, or the heterogeneous mass that would assume it in California. Let them go back into a territorial condition, that the land may be purged of the spurious voters who might claim to be such, and her numbers ascertained, not by the shipload, as counted by the father of compromises in the other end of the Capitol, who makes no deduction for all those who return to their homes, or pursue their trade upon the bosom of the sea, but the actual number of American citizens. Let her go back until she may come into the Union as other territories have done. This whole thing of the "sovereign State of California" would look better in the pages of the Arabian Nights than the archives of this body.

As to the residue of the Territories I shall not object to give them territorial governments, provided they conform to the principles of the Constitution and rights of the States, but these rights: in my judgment, utterly forbid the interference of this Government to exclude slavery in any shape or form—under any name, or by any proviso of any president-making platform.

I utterly protest against the astounding proviso, which may justly be called Mr. CLAY's proviso. He, I think, is entitled to a proviso; though I should not be willing to award him more for the free-soil sentiments he has repeatedly uttered. I have read some little of conquests by Governments, but it has remained for this age to discover a people conquering another, obtaining their lands, and by the operation destroying their own property by its touching their soil, and compelled to abandon their own religion and to adopt that of the conquered. Yet such is the result of the prevalence of the Mexican laws if they be of force so as to exclude slavery. Sir, these various shifts are lamentable and disgusting in this bold effort to cheat the South. Can any one believe that the day after the treaty, American citizens could not be allowed in New Mexico to worship their God in any other faith than that of the Roman Catholic? Can any one believe that American officers who had slaves with them must have stood by and witnessed their liberation? Suppose the Mexicans with a view of improving the physical powers of their citizens or for their better security in crossing their cliffs and precipices, had a law prohibiting the use of horses, would it be contended that an American now on the territory should surrender his horse to such law and make his journey on foot? Again; suppose the territory had been conquered shortly after the adoption of the Federal Constitution, when every State in the Union had slaves, could there be found a man so lost to common sense as to contend that none could go with their slaves without encountering their liberation? I do not believe it; nor do I believe it would be so contended now, but for the influence of abolitionism.

As to the proposed compromise from the other end of the Capitol: If its name were changed to that of the ignominious surrender of the South, and I were then to vote upon its title, I should vote in favor of the change. But I could not be induced to vote for any other feature in the bill. I am opposed to it, because it proposes to admit California with all its enormities. I am opposed to it, because it proposes to purchase nearly one-third of Texas (acknowledged by Mr. Webster himself to be slave territory) with our own money, to become ultimately subject to some of the new-fangled non-interventions or provisos of free-soilism. I am opposed to it, because the report of the committee expresses the existence of the Mexican laws in the territories; because it proposes to insert the entering wedge in the abolition of slavery in this District; because it proposes to legislate *in fact* for the negro, instead of the master, in the States. And above all, I am opposed to it, because, in my estimation, it would amount to an entire surrender of the rights and honor of the South, and instead of allaying the aggressions regularly going on against us, it would give new zeal and confidence to our enemies, very soon to show itself in this District, the dock-yards and arsenals, and before many years, in the States.

Our ancestors made compromises in the adoption of the Constitution; their posterity made compromises in the admission of Missouri; and again, on the tariff of 1833. And what have they availed us against the arrogance of the North? I call upon patriots from the North and the South, if they love this Union, as many profess here, to look at this matter as it is, and to exercise their energies to restore this Government to its original character; to cast out the poisonous heresy that threatens its dissolution.

But we hear on this floor that the South are arrogant, and the North (having all power) will not grant her demands. I ask, in what single instance, since the establishment of this Confederacy, has the South ever demanded the establishment of a single principle of doubtful constitutionality? And who does not know that the arrogance always comes in every insidious form from the other end of the compass? and who does not feel that there is double arrogance in the unfounded assertion? It is with the North to determine whether the Union of our fathers shall stand or fall. She is now in the majority, and the destinies of the Union are in her hands. It is for the South to take care of herself, according to her sovereign and constitutional rights, *in* the Union, if she can, *out of it, if she must.* Nor will the idle threats of arrogance, or the painted pictures of fanaticism, deter her from her duty. I make no threats, except as a man about to be assailed in his person, his rights, or his honor. When wrong is attempted against me, I will repel it; and, although I trust the conflict may never come, yet whenever force is attempted by the North against the rights of the South, headed even by colonels of militia covered over with glory from the fields of Buena Vista, I promise them regiments in the field from the district from whence I come, amid whom I shall be found, though my head should be white as snow. But I look upon all such threats as idle bombast, rather than the sentiments of statesmen. Let those who threaten to coerce the South to depression and degradation, read the terms upon which the States came into this Confederacy. Virginia, in her ratification of

the Constitution, declares "that the powers granted 'under the Constitution being derived from the people of the United States, may be resumed by them 'whensoever the same shall be perverted to their 'injury or oppression, and that every power not 'granted thereby remains with them and at their 'will." New York came in on these terms, expressed in her articles of ratification, "that all 'power is originally vested in and consequently derived from the people," and "that the powers of 'Government may be reassumed by the people 'whensoever it shall become necessary to their 'happiness;" and further "that no religious sect 'or society ought to be favored or established by 'law in preference to others." Rhode Island came in on the following terms: "That there are certain 'natural rights of which men, when they form a 'social compact, cannot deprive or divest their posterity, among which are the enjoyment of life 'and liberty, with the means of acquiring, possessing and protecting property, and pursuing and 'obtaining happiness and safety. That all power 'is naturally vested in, and consequently derived 'from, the people; that magistrates therefore are 'their trustees and agents, and at all times amenable 'to them;" and "that the powers of the Government may be reassumed by the people *whensoever it may become necessary to their happiness.*" Rhode Island, doubtless recollecting that Roger Williams had to leave Massachusetts for heresy, added a strong clause against the right of Government to favor religious sects or societies. Thus we see Virginia reserved the right to reassume her sovereignty whenever the same should be perverted to her injury or oppression; New York reserved the right to reassume the powers granted to the Government, *whenever it should become necessary to their happiness;* Rhode Island in the same words with New York. Let gentlemen reflect whether the States have not sufficient justification, or if they have not yet, how soon they may have, to reassume their sovereignty. Should they see fit to do so, there is no right on earth to prevent them. The States making these reservations were admitted into the compact with these terms, and they thereby became the terms of all, and must innure to the benefit of all.

Melancholy predictions have repeatedly been indulged in on this floor, and perhaps by none more lavishly than the gentleman from Massachusetts, [Mr. MANN,] as to the condition of the South, should she withdraw from the Confederacy. He describes the scenes of piracy, robbery, and plunder, that will be common on her coast. I would not desire to see that necessity, nor will the South be in fault if it has to come. It will be from a sense of the grossest injustice at the hands of the North. I am not one of those who would seek the necessity, nor am I one of those who would shrink from the responsibility, when self-preservation may force us to that course. Should it occur, however, it seems to me I can see in the distance a better destiny than that assigned by the gentleman. With a population of nine millions, inhabiting a country rich in every product necessary for the happiness of man—the day may come when her hills and her valleys will resound with the anvil and the loom, whilst it may be, that Massachusetts will have much less shipping and employment for her sailors and mechanics, her Lowells be silenced, and the streets of her villages grow green.

That our coasts might be infested in some degree as the gentleman has described, I will not undertake to deny; but that those who attempt it may meet the fate of some of Massachusetts' sons recently in another holy crusade, I think quite as likely.

"CAPTURE OF A SLAVER.—The American brig Lucy Ann, of Boston, was captured on 20th February, 1850, in latitude 7° 26′ S., and longitude 12° 26′ E., and taken to St. Helena, by H. B. M. steam sloop Rattler, Captain Cumming—eleven persons in the crew, thirty passengers, and five hundred and forty-seven slaves, viz: four hundred and forty-one males and one hundred and six females. At the time of the capture, the Lucy Ann was commanded by John Hamilton. He, with the crew, were permitted to go on shore on the coast.

"There were also at St. Helena, the following named American vessels, condemned for being in the slave trade: Bark Anne D. Richardson; bark Pilot, of Boston, bark Chester, (formerly a whaler.)"

A word more to Massachusetts, and I have done: She complains that South Carolina refuses her colored gentlemen and citizens the rights of citizens within the State, but confines them in our ports until their vessels depart. We reply to Massachusetts, that negroes are not citizens according to our law, nor were they in Massachusetts when we formed our association with her; and if since that time, she may see fit to citizenize monkeys, it will furnish no reason why we should allow them such rights in the streets of Charleston But in this complaint she again forgets what was done on this subject by her pilgrim fathers. Let her turn to her statute books, and find that by her law free negroes who ventured within her limits were not only confined to prevent them from mischief, but were, under certain regulations, also put to hard labor in their workhouses if they refused to depart, and whipped *with stripes* every ten days until they should leave the State.* South Carolina has not yet attained that refined system of cruelty; whenever she does, then let Massachusetts complain. And I would say to Massachusetts, as I say to the world, let us alone on this subject. We feel capable of taking care of ourselves, and we intend to do it.

*See act of Massachusetts, March 1788.

SPEECH

OF

HON. W. McWILLIE, OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES, MARCH 4, 1850,

In Committee of the Whole on the state of the Union, on the President's Message communicating the Constitution of California.

Mr. McWILLIE said:

Mr. CHAIRMAN: I do not rise for the purpose of replying to those who have preceded me in this debate, nor is it my intention to make a party speech. I may not even refer to the two great national parties which have heretofore divided this country. A question paramount to all considerations of party should now occupy our thoughts. The permanency of our free institutions is the subject of our discussion. Yes, sir, I believe as much as that I now address you, that the Union is in danger. I look around me and I can see no point of safety. On the one hand I see nearly all the northern States being arrayed against the South on the slavery question; on the other, I see the South, State after State, assuming the attitude of resistance and defiance. Sir, I know the past of my country—I see and deprecate the present—but to me, at least, shadows, clouds and darkness rest upon the future. I know not what that future is to be, but I do know that its complexion in a great degree is to be taken from the action of the present Congress. I believe that our deliberations in a national point of view are more important than those of any deliberative assembly that has taken place since the adoption of the form of government under which we now live. The Union of these States is the subject of our discussions. Sir, I know not how to approach it; its magnitude and importance overwhelm me. Even when sustained by the promptings of duty and of patriotism, I would not dare to enter upon this discussion were it not that I know that the genius of my country, liberal as the God I worship, only requires my best endeavors when sanctified by the best affections of my heart. Yes, sir, my country has my heart; I love it—I love it all—North and South, East and West. I love it, because it contains the graves of my ancestors, and is the home of my wife and my children; I love it, because in it I have a common history, a common inheritance, a common glory, a common liberty, and a common hope. I love it, because it was founded in the toil and suffering, and blood of the Revolution. I love it, because our fathers, in their wisdom, joined us in political Union. I trust, I hope, I pray, that ne ther the ambition of the few, nor the madness of the many may ever be able to sunder these States, which God had seemed to have joined together. It is for you, my brethren of the North—yes, I will yet call you brethren—it is for you to determine what are to be our future relations. The agitation comes from you; you are the actors, and upon you rests the responsibility. The South asks but equality and justice—she can never take less. Sir, I have said that the Union is in danger. For proof of this fact I need not go beyond this hall. The speeches that have been made, the impediments to organization that have occurred, and the whole action of the House, must point every sane mind to the dangers that threaten us.

But, Mr. Chairman, it is not only here that we see this agitation and excitement: it has entered the social circle, and is breaking down all those kindly feelings which ought to exist between members of the same Confederacy. It is impossible, from the very constitution of our natures, that we can love those who make it a business to revile and traduce us. And you know that it is the constant habit of many at the North to speak of us even as worse than pirates. In your public press, in your public assemblies and churches, our institutions are the theme of constant denunciation. They are spoken of as a national disgrace. Why, sir, even already, so far as the Union of the States was dependent on the union of the Churches, we have in some of them actual, practical dissolution. We have the Methodist Church North, and the Methodist Church South. The same division has taken place in the Missionary Baptist Church—and it is with difficulty that the union of the Presbyterian Church is retained. Are not these facts portentous? Ought they not to warn us of danger? The same causes that have made a Church North and a Church South will, if not arrested, make a Confederacy North and a Confederacy South—like causes produce like effects. Discord separated the Churches—discord will separate the States.

But it is not only here, in the halls of legislation, in the social circle, and in the churches, that difficulty exists, but even in the election of our present Chief Magistrate, it was an element of political power, and so great was the hostility of the two sections of the Union, that he had to be supported at the North as the anti-slavery candidate, and at the South as the pro-slavery candidate. In other words, so great was the hostility of the sections, that the people had to be deceived, that politicians might be enabled to induce them to act together. Sir, in consequence of this hostility of the North and South, in the last Presidential election, there was no expression of the popular will, on the most important and vital question that has ever agitated this nation. In other words, the people, by their suffrages, expressed no opinion. They lost the control of their own Government; and this is the reason why the whole executive department of our Government now stands dumb in the presence of the power of abolition. Sir, are not facts like these sufficient to alarm every patriot? But, in addition to all this, you have been told, by the member from North Carolina, [Mr. CLINGMAN,] that no further

legislation is to be had in support of Government, unless these agitations be stayed; and that otherwise, here and now, this Government shall perish. This comes from the Whig side of the House, which claims to be the Conservative; and from the Whig and Conservative State of North Carolina. I am no alarmist. I appeal to no man's fears; but I do appeal to the good sense and patriotism of this House and this nation. I warn them that this Union is in danger; and I tell them that the South is now prepared to present the alternative of domestic tranquillity, equality and justice, or separation. Sir, the time has come when every man who loves the Constitution of his country, must be prepared to stand by, or, if necessary, to perish for it. Yes, sir; the time has come when the nation expects every man to do his duty. The time has come when thoughts of patriotism, and such thoughts alone,

"Along our hearts responding strings should run,
Nor let a tone there vibrate but the one."

Yes, sir, the man who, on an occasion like the present, could think of himself or his prospects, would desert the flag of his country in the hour of battle, or would sell his country's liberty for a consideration. Every man who has given his serious attention to this question, must now be satisfied that it has reached a point at which delay in its adjustment must be accompanied with the greatest danger. Its progress is onward—and the nation even now trembles beneath its tread. The time was, when this agitation was confined to a few fanatics; but now it has become an element of political power and sectional aggrandizement, utterly incompatible with the existence of the Union. Then it was but a speck upon our political horizon—"a little cloud not bigger than a man's hand;" but it has grown and spread, until now it covers near all the sky. The lightnings flash amid its tempestuous folds—the thunders roll along its mighty base—and the temple of our Union and our liberties is shaken as if by the upward heavings of volcanic fire. The nation is alarmed, the star of our destiny is being darkened, and the glorious light of liberty and of hope is paling upon our path, I fear, forever. Yes, sir, the danger is most imminent; already the instruments of revolution are at work. Nearly, if not quite all, the southern States, by conventions of the people or by their Legislatures, have declared their fixed and unalterable purpose of resistance, in the event of further aggression—and a Southern Convention is already preparing to meet at Nashville, in June next; while in the northern States, the Legislatures of near all of them are passing the most offensive and aggressive resolutions, instructing their Senators in the other end of this Capitol, and requesting their Representatives on this floor to execute these resolves. While at the same time the Abolition societies and conventions at the North—the sappers and miners in this array against the South—are urging disunion upon the people, and denouncing our glorious Constitution "as a league with Death and a covenant with Hell." Sir, madness rules the hour, and the South, to appearance, will be left with no alternative but disunion or unconditional submission. If this alternative is forced upon us, we know our duty to ourselves and our posterity, and we will dare to do it—even though it should dissolve the Union. This is strong language; and I am aware that there are those who will attempt to brand me as a disunionist; but, sir, I repel the charge as unfounded and unjust.

If I know myself, sir, there has never been one day in my existence in which I did not stand ready to peril my life, if necessary, in defence of this Union. Yes, sir, I love the Union, but not as it is loved by the member from Ohio, [Mr. Root,] or the member from Massachusetts, [Mr. Mann,] or the member from Pennsylvania, [Mr. Stevens,] or the member from Illinois, [Mr. Bissell.] They love the union of these States just as despotic and cruel Austria loves the union with Hungary. They love it so well, that to preserve it they would give the people of the South to the sword, and our beautiful fields, and villages, and cities to the flames, accompanied by all the horrors of servile and civil war. God deliver the South from such union and such patriots. Yes, you would do just as Austria did—you would call in the aid of Russian butchers. Such are your attachments to the Union, and such your tender mercies to the South. Sir, if this be the Union that the North loves, I must say it has my utter detestation and scorn. You claim us as your slaves already. The Union that I love is the union of equality, and justice, and fraternity—the Union of the Constitution. Yes, sir, the Constitution is the Union. We have no other bond of union. Ours is a Union of law and not of force. It had its origin in the common consent of the people. It was founded on principles of justice; and every encroachment upon the Constitution is an attack upon the Union itself. I appeal to members of this House, and implore them to respect its guarantees. "We ask nothing but what is right—we will submit to nothing that is wrong." We would disgrace the ancestry from which we sprung if we were to submit to the aggressions of unauthorized power. We would be unworthy the name of Anglo-Saxons. Our fathers resisted the duty of a penny a pound on tea. It was not the amount of duty, but it was the power claimed by Great Britain to legislate for us in all cases whatsoever. It was the right which she asserted to tax Englishmen without representation. With us the question is not only one of principle, as it was with our fathers, but it is a question of existence. We should bear in mind what has ever been the course of power when led on by the fell spirit of fanaticism. We have an example of it in the island of St. Domingo, once the most wealthy and beautiful isle of the Indies. Now it is almost buried in barbarian darkness—a waste and a desert. There Abolition carried fire to every dwelling, and quenched the flames in blood. Sir, such may be the fate of the southern States if they yield upon this question. Fanaticism has never yet let go its hold upon its victim, unless when compelled by force or fear.

Mr. Chairman, I am aware that there are still some, I hope many, men at the North, who have not yielded to this fanaticism; and who, if they could, I have no doubt would gladly arrest this aggression. But so many of both political parties have more or less committed themselves to the doctrines of Free Soilism, that I must say, that when it comes to voting on this floor, our cause appears to be almost, if not quite hopeless. But I will not even yet despair of the Republic, and will continue to hope that at least those on this side of the House who in times past have stood by the Constitution, will continue to do so; and I trust that, on the other side, there may be some who will be prepared to do us justice, and save the Union. For I repeat, that I do not believe that this Union can survive the disfranchisement and

degradation of the southern States. Sir, I do not say this in the language of threatening. The South makes no threats; she simply tells you that we must respect each other's rights or separate—that we must agree better than we now do, or we ought to part company. The South loves the Union, but she has never yet thought of waging war against the North for the purpose of effecting a change of public sentiment; nor has she yet proposed in her extremity of attachment to the Union to ravage one half the States with fire and sword. All we say is, that we will assert our rights, and that if it becomes necessary, we will meet force with force. Yes, sir, we of the South will resist aggression if it be forced upon us—we know the price of freedom, and if necessary we will pay for it. We know that no people have ever long been free, unless they stood ready to defend their rights—the conservators of their own privileges. In ordinary times the Constitution is a sufficient protection, but in times like these, when prejudice and passion and the thirst of sectional power control in the halls of legislation, constitutions are valueless, only as they define the boundaries of power and of privilege, and teach us where resistance should begin, and where aggression must cease. The privilege of bearing arms, and the courage to use them, is at such times of more value than all the constitutions that have ever been written. No people can be long much misgoverned who have arms in their hands and the knowledge of their use. We know that the Tree of Liberty has ever been watered with the blood and manured with the bones of patriots—all the liberty now upon the earth has been purchased by the blood of our race. If necessary, we will do as our fathers have done before us.

Sir, I would ask why do our northern brethren force this alternative upon us? Why do you urge upon us a state of facts utterly hostile to the Union and in violation of the Constitution? Has not our Government at least to you answered the purposes of its creation? Have we not grown and prospered beyond any people ever upon this earth? Have not the lines fallen to us in pleasant places, and have we not a goodly heritage—the heritage of liberty, equality, and abundance? We have already grown from thirteen to thirty States; and have territory sufficient for many more. Our eagles, from their eyrie on the Rocky Mountains, dip their wings in the Atlantic and Pacific oceans, and our banners float upon the St. Lawrence and the Rio Grande. We can almost say, the continent, the boundless continent is ours. A destiny so great, so glorious has never been granted to any people. I would again ask, are these blessings all to be sacrificed? I trust not: there is, however, but one way in which they can be retained, and that is by respecting the guarantees of the Constitution, and giving even-handed justice to the South. We have never asked more than equality with our sister States—we have ever acted in that spirit of concession and compromise in which the Constitution was adopted; and we have never once given to the North cause to complain of an aggressive spirit; nor have we ever violated one condition of any compromise which we have made. We have ever been generous and forbearing. Virginia yielded for the sake of harmony and equality all the territory north of the Ohio as free States which was previously slave territory—we divided Louisiana and Texas with you, both of which were slave territory—and in the session of Congress before the last, we offered almost unanimously to accept the Clayton compromise bill, and we received but twenty-two Democratic votes and not one Whig vote from the North. I would ask what did that bill give us? Why nothing but simply the right to try the constitutional question at issue between us, in the courts of the Union. Even this you denied us and shut us out from the courts of justice. And at the last session of Congress you refused to pass Walker's amendment to the appropriation bill, which simply extended the provisions of the Constitution to New Mexico and California—even this you refused us. I submit to the candor and justice of this House and this nation, if we could have asked or taken less? You deny to us the guarantees of the Constitution, and still expect from us submission. This is impossible. Submission to acknowledged wrong, would be social and political degradation. We cannot be brought to this.

Mr. Chairman, I have charged against the North that she has disregarded her constitutional compact, and that she invades our chartered rights. This is a circumstance calculated to excite the most melancholy and alarming reflections. But it is not the less true. Heretofore our contests have been as to the effect of measures; but now the Constitution, the ark of our political covenant, which contains the plighted faith of the States and of the people, is the object of attack. Yes, sir, the Constitution by which we live, and for which, if necessary, we should be prepared to die, has been despised and rejected in reference to the rights of the slave States, and every invention of the imagination is set up in opposition to it. I presume that there is not a man within the sound of my voice who does not know that the last clause of the 4th article of the Constitution (in reference to fugitive slaves) is now a dead letter. That article requires that such slaves shall be delivered up on claim of the owner—thereby making it the duty of the State to attend to the delivery. This most, if not all, of the free States have refused to do, and some of them have nullified the Constitution by the most prohibitory laws on the subject. This clause of the Constitution is in the same words as the clause immediately preceding it in reference to fugitives from justice, and that has generally been executed in good faith, thereby showing that there is no ground for explanation on the plea of difference in construction. This is a point in which the violation of the Constitution has been so flagrant as to have no defenders. Then, if the Union be but the creature of the Constitution, it follows as a corollary, that here is practical disunion. According to the law of nations, the violation of one article of a treaty by one of the parties to it, is a violation of all, or, in other words, discharges the other contracting party from any obligation to respect its other provisions. Thus in our compact of Union between the several States. This is one cause of complaint established, and not denied by our northern brethren. But we have many more. The constant agitation of the slavery question in this District, with a view to its abolition here or elsewhere, is of mischievous tendency, and destructive of the domestic tranquillity of the States, (which was enumerated, as one object of the Union;) and if it were to be carried into effect would be in bad faith to the slave States generally, and to the States of Virginia and Maryland in particular; and would, in my opinion, be a violation of the Constitution. I am aware that many able men have given a different construction, and that, under the clause in the 8th article of the

Constitution, giving to Congress the "right to exercise exclusive legislation in all cases whatsoever" in this District, the power may be plausibly claimed; but I cannot think that it can be justly claimed. Those who claim the power for Congress, do so on the ground that exclusive legislation is synonymous with unlimited power of legislation. I think this is a misapprehension. For instance: this Congress and the State Legislatures have exclusive legislative power over the States and the people of this Union. But they have not all power. They have only certain delegated powers, and the balance remains in the keeping of the people, the safest and best depositary of power. It is manifest that the grant of exclusive power of legislation as given in the Constitution, does not mean unlimited power, but is simply the grant of power under the general provisions of the Constitution, and must be exercised simply with the view of executing the objects of the grant. Either this is the true construction of the grant, or in this District Congress has unlimited power—even the power to sell every freeman into perpetual slavery. But upon any fair view of the Constitution it is impossible to maintain this construction of unlimited power—for by the Constitution "the trial of all crimes except impeachment shall be by jury." I hold that Congress cannot abolish the trial by jury in this District. And further, a conviction in this District for treason could not "work corruption of blood," because the Constitution expressly says "that no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted." Here is another restriction of the power of Congress in this District. But such restrictions are too numerous for me now even to refer to them. See the 1st article of the Amendments to the Constitution, which is in the following words: "Congress shall make 'no law respecting an establishment of religion or 'prohibiting the free exercise thereof; or abridging 'the freedom of speech, or of the press, or the right 'of the people peaceably to assemble, and to petition the Government for redress of grievances."

Is there any one here who, in the face of this express provision of the Constitution, would contend that Congress has the right, in this District, to establish a Church, and prescribe a form of worship, and fix a creed; or to abridge the freedom of speech, or of the press, or the right of petition? If not, then the power of Congress has limitations, and these are fixed by the objects of the grant and general principles of the Constitution. In fact, all of the twelve articles contained in the Amendments to the Constitution but one, are limitations upon the power of Congress here, and in the States and Territories. In truth, the whole theory of our Government, State and Federal, is predicated upon constitutional restraints of power. There is no power in this country which is not limited, except the power of the people; and even this ultimate power has to be exercised according to certain prescribed forms, or it is revolutionary.

If the conclusions which I have stated be not true, then every citizen of this District has no other tenure for his life, liberty, or property, but in the will of Congress! The supposition of such a state of facts is monstrous, and would be abhorrent to every American heart.

If, then, it be conceded, as it must be, that the power of Congress in this District is limited, I would ask, in what is that limitation to be found? I think the natural answer must be, that it is to be found in the object and nature of the grant. These were plain to the minds of the framers of the Constitution, who simply desired to confer upon Congress, in the Ten Miles Square, such power as would enable them—freely and without restraint—to carry out all the other provisions of the Constitution in which this particular provision is contained. Can it (by any sane mind) be contended, that the grant of exclusive legislation in this District was intended to confer upon Congress any power outside of the Constitution? The supposition is absurd. The grant was made simply that Congress, and the other departments, might at all times be in a situation to perform their duty under and by virtue of the Constitution.

No one will have the impudence or folly to contend, that the abolition of slavery here or elsewhere, was one of the objects of the grant. If it was not, then it follows, necessarily, that no such power exists in Congress. And I think I am fortified in this view of the subject by the fifth article of the Amendments to the Constitution, which contains the following clause: "Nor shall private property be taken for public use without just compensation." The Constitution thus negatives the idea that private property can be taken for any other purpose but for public use, and then upon just compensation. Abolitionism would take it without just compensation, and for no public use. I might follow this subject further, but I will refrain, by simply saying, that I am satisfied that Congress has neither the right to abolish slavery in this District, nor to appropriate the public money to any such purpose as compensating the owners of the property for its value. I suppose, even in these days of latitudinarian construction, it will not be denied that there is a limitation of the objects to which money may be appropriated by Congress.

The next proposition to which I shall call the attention of the committee is, the question of slavery, as connected with the territories. This is a fearful question—one which will, and which ought to dissolve this Union, if the claims set up by the North are to be insisted upon. I will ask, sir, what are these claims? Why, they are simply that the free States shall take for their exclusive use and benefit the whole of the territory now owned, or which hereafter may be owned by the United States—excluding the slaveholding States from all participation in the territory acquired by the common blood and treasure of all the States—with the resulting consequence, that slavery is to be confined to its present limits, and that no slave State shall ever hereafter be permitted to enter this Union. This would be a most iniquitous proposition, even if it had the sanction of the Constitution upon its side; but when it is reflected that it is as gross a violation of the Constitution, as it is of the common principles of honesty and justice, how can it be expected that the southern States will submit to it? They ought not—they cannot—they will not.

Mr. Chairman, I intend to speak plainly, because I think we ought to understand each other. I will, then, say that my mind is deliberately made up to the conviction that the South ought not to take less than the Missouri compromise, with such guarantees as this Government can give that the agitation of the slavery question shall cease in reference to this District, and in Congress generally, and that the non slaveholding States shall be required, either by the action of Congress or the action of their State Legislatures, to abide by

and execute that article of the Constitution which makes it the duty of those States to deliver up runaway slaves. These questions, sir, must be settled now if we desire to save this Union. Any attempt to defeat the just rights of the South will, in my opinion, as certainly destroy this Union as that I now address you; and he who votes for the abolition of slavery in this District, or the exclusion of the South from a just participation in the territories, may rest assured, that if his vote is consummated by legislation, that he votes a dissolution of the Union.

Mr. Chairmain, I have stated that, in my view of this question, Congress has no power to prohibit slavery in the territories; and in support of this position I call on those who claim the power, to show any article of the Constitution which confers it. I aver it gives no such power; and if it is not in the Constitution it cannot be exercised by Congress; because the Constitution uses the following very explicit language in reference to our powers: The 10th article of the amendments to the Constitution is in the following words: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." This article of the Constitution is an estoppel to the exercise of this power, unless it can arise by implication from some of the express grants of power. This is admitted by all—even those who claim the power. In this state of the argument we are met by the allegation that Congress has the right to acquire territory by treaty, and the right of acquisition must, from the necessity of the case, be followed by the right to govern. This is true to a certain extent. That is, Congress has the right to govern to the extent of the necessity, but no further; and this necessity, in my opinion, is limited by the legislation necessary to preserve the property of the United States in the territories, and the establishment of such civil governments as may invite settlements to be made and are sufficient to protect the settlers in the enjoyments of life, liberty, and property, during their territorial pupilage preparatory to their becoming States. I think beyond this the less power Congress exercises the better; and this certainly fills up the implication arising from the necessity of the case. The necessity is the proper limitation of the power, and whenever the necessity ceases the power also ceases. And I presume that no one will contend that the prohibition of slavery is necessary either to the preservation of the property or the protection of the citizen. If so, the argument drawn from the necessity of the case falls to the ground, and the power with it. There are some persons who claim this power to exclude slavery from the territories under the 3d section of the 4th article of the Constitution, which is in the following words: That is, the "Congress shall have power to dispose of, and make all needful rules and regulations for, the territory or other property belonging to the United States." This is certainly a provision intended for the territories as property, as it distinctly puts the territories on the same footing with other property belonging to the United States; and only give to Congress the power to make the needful rules and regulations for its protection and sale; and certainly no member of the Convention that framed the Constitution ever could have imagined that a general and unlimited right of sovereign jurisdiction was covered up under this grant—and that, in addition to this, it was to influence the relations of slave-property in all the slave States of the Union. The supposition is not warranted by the facts of the case, for certainly it will not be contended that the prohibition of slavery is one of the needful regulations in disposing of the land lying in the territories; and no power is granted but such as was needful in reference to the territories as property.

I believe that in some cases this right of extending a slavery prohibition to the territories is attempted to be derived from the last clause of the eighth section of the first article of the Constitution, which reads as follows:

"Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

Now, Mr. Chairman, it will behoove those who insist that this power is necessary and proper, to ingraft it upon some one of the expressly-granted powers. This cannot be done, as there is no such grant in the Constitution, and it is absurd to suppose an incident without a principle, or an effect without a cause. You might as well suppose a child without a parent. Sir, this claim of power may be justly said to be *filius nullius*. It is one of the bastard progeny, born from constitutional prostitution, and should never be recognized as legitimate. Whenever a power is claimed without a grant, under the plea of necessity, it ought to be viewed with suspicion, as this has ever been the plea of tyrants. And no such implication arises unless it be indispensably necessary to the execution of some granted power. If we give any other meaning than this to the clause now under consideration, the Constitution would not be worth the paper it is written on.

Sir, a few days since I was not a little surprised to hear the great Senator from Kentucky, [Mr. CLAY,] in the other end of this Capitol, assert the monstrous doctrine that this Government derived its power over this subject from Mexico. And he claims that because Mexico, or the Government of Mexico, had this power, that, *ex necessitate*, this Government must now have it, as we had acquired the country from Mexico. This is the first time that I had ever heard that this Government could derive authority from any other source than our own Constitution. He says Mexico parted with the sovereignty, and that as it was parted with, it must be vested in this Government. This is a monstrous doctrine—one that substitutes this Government for the States and the people of this Union. Sir, this Government is neither the States nor the people of this Confederacy. It is but the agent, the servant, the creature of the States. It is but the trustee, and the States are the *cestui que trusts*. Mexico transferred to the United States, and not to the Government of the United States. If this Government received all the authority in New Mexico and California that Mexico parted with, it is an absolute despotism—for I believe it is well understood that Mexico has a government without limitation of powers. The gentleman referred to said, "Mexico could have abolished slavery, or have introduced slavery either into New Mexico or California. Now that power must have been ceded. Who will deny that?" And he said further, that as none of the prohibitions upon the power of Congress contained in the Constitution "restrain the exercise of the power of Congress on the subject of slavery, the powers of Congress are co-extensive and co-equal with the powers of Mexico prior to the cession." This is, I trust, the first time, and I hope

it will be the last, that a foreign nation will be looked to as the source of the powers of this Government, or that it will be pretended that this Government has all the powers which the Constitution does not deny to it. This is an assumption in the very teeth of the Constitution, which declares that Congress has no powers but those granted to it. That I may do the gentleman no injustice, I will make one other extract from his speech, which is as follows:

"With regard to the treaty-making power, all who have had occasion to examine into its character, and into the possible extent to which it may be carried, know that it is unlimited in its nature, except in so far as any limitations may be found within the Constitution of the United States; but upon this subject there is no limitation which prescribes the extent to which the power shall be exercised."

Here is again the distinct averment, that as the Constitution has not withheld power from Congress, that consequently it has the power which is not withheld. This is the most latitudinarian construction of the Constitution that I have ever met with—and against which I enter my solemn protest. And will refer to the 10th article of the amendments to the Constitution, which declares that Congress has none but granted powers.

Mr. Chairman, I will conclude this branch of the argument by calling the attention of the committee to the supposition that it had been proposed in the Convention that framed the Constitution, and recommended it to the people of the States for their adoption, that no slave territory should ever be acquired under it, and that no slave State should ever enter the Union; and that the ten miles square authorized to be purchased as the seat of Government should be used as a hot-house in which to force the growth of abolition; and that the clause in reference to fugitive slaves was inserted in fraud, and would not be executed; and that the non-slaveholding States, by the action of their Legislatures, would make it a dead letter. I ask, sir, if such propositions had been made in the Convention, or submitted to the States, would they have received one single southern vote? or would the Constitution have been adopted? Then, sir, if the Constitution could not have been adopted containing such provisions, is it not palpable that no such provisions were in it at the time of its adoption? I know no better way of ascertaining what wise men have done than to ascertain what they intended to do. The intention of the parties to a treaty, covenant, or other contract, is always an important matter to be ascertained in view of obtaining a right construction of the instrument. The intention of the legislator is always looked to in the construction of a law when doubt arises as to the true construction. Now, sir, let us subject the claims of the North to this test, and they cannot stand one moment. We all know that the Constitution never could have existed containing such provisions; and, notwithstanding this, there are men here, and elsewhere, who claim this power for the Federal Government. Nothing can equal the absurdity of this claim but its gross and palpable injustice. Yes, sir, even admitting the constitutional power to be in Congress to do what I fear will be done, the act would then be no better than highway robbery. And I have heard nothing said in its vindication, either here or elsewhere, except a certain fashionable cant about all men being born free and equal, and the power of majorities. Now, sir, I have great respect for the action of such majorities as are prescribed by laws and constitutions, but I had rather have any other king than king numbers, as now presented to our acceptance. The most frightful despotism upon earth would be that of an uncontrolled, unchecked, sectional majority. It would make ours a government without limitation of powers—a great sectional despotism. I am aware that much is said about the rights of majorities, and that many politicians speak of majorities as subjects do of their monarchs—as though they could do no wrong. But majorities may be wrong as well as minorities, and majorities have no other rights than such as they derive from the Constitution. Minorities have the same rights, derived from the same source. All our majorities for the practical purposes of legislation are constitutional majorities, and not mere majorities in numbers. And this is the crowning beauty and excellence in our systems of free governments; that is, that ours are governments of constitutions and laws, and not of men—no, not even of majorites of free men. All are in subordination to law, and all have the protection of the law, minorities as well as majorities. While the guarantees of the Constitution are respected, a minority has the same protection in life, liberty, and property as if they were a majority. The law does and ought to act alike upon every citizen.

Mr. Chairman, I would warn our friends here to be cautious in relation to the claims set up for mere numbers, without proper regard to the Constitution. The idea is full of danger, as was illustrated in the horrors of the Reign of Terror in France, which was simply the reign of an unchecked majority. In these days of progress, there is danger that the rights of minorities may be lost sight of, in the assumptions of majorities; and that the greatest good of the greatest number may become the rule of action, without reference to the law or Constitution. This is the language of demagogues. The language of the Constitution is, the greatest good to the greatest number, without injustice to any, and in subordination of the Constitution. This is what we ask of you, and this is what you refuse to us. For the purpose of illustrating the claims of the South, I will suppose a case of three men who have been acting as partners for ten years, and at the end of that time, they meet together to arrange their business and divide their profits, when, to the astonishment of one of the three, he finds that the other two have united against him, and determined to take all the profits to themselves, though he had given his time, his labor and his money to the firm, as faithfully as either of his partners: would you expect the third man, who had been thus treated, to remain in the firm, and more especially when he was told that, for the future, he would be expected to labor as usual, and to contribute his money, but was to expect no better treatment? This is a case precisely analogous to the situation of the southern States. They jointly, with their co-States, have acquired territory by contributions of blood and treasure, and now they are to be excluded from those territories, and are not, for the future, to expect any better treatment; for I understand that hereafter the policy of the North is to be, that the whole power of this Government is to be exercised against the institution of slavery; in other words, the South and her institutions are to be put under the ban of the empire, and we are to be made the hewers of wood and drawers of water. We are expected to share all the burdens of Government, while we are to be permitted none of its benefits. Do you ex-

pect a proud and chivalrous people to submit to treatment like this? If you do, you will be disappointed. By way of illustration, I will reverse the case, and suppose the South to assume the ground that hereafter no free State should enter this Union, and that all the territory acquired should be slave territory, and that the whole power of this Government should be exerted for the extension of slavery, and that the free States should be put under the ban, and that the whole influence of this Government should be brought to bear against the free States and their institutions. You would think us mad if we were to assume such a position. But it is a bad rule that won't work both ways; and I defy any man on earth to show one good reason why our pretension would not have the same foundation in right, as yours. We are your equals under the Constitution, and in every other respect. The Constitution says, "the citizens of each State shall be entitled to all the privileges and immunities of the citizens of the several States." If you would submit to such treatment, you ought to be kicked out of the Union, as unworthy to remain in it. The same may be said in relation to the South, only I can assure you, she will not wait to be kicked out. Many here, and elsewhere, appear to have a holy horror of the institution of slavery, as though it was now heard of for the first time, in the history of our country or the world. They forget that their fathers sold us most of these very slaves, and guarantied our rights of property in them, under the Constitution, for a consideration which has been paid. Some of the very negroes that your fathers sold us, are still living; and, though they are removed one thousand miles from you, they trouble you over-much. Your conduct puts me in mind of the Pharisee, of whom we are told, that when he stood in the Temple and prayed, he thanked God that he was not as other men—not as the poor Publican who was before him. I suppose many of you thank God that you are not as we slaveholders; and I suppose some of you, in the spirit of the Pharisee, even when you look upon the portrait of Washington which hangs upon my left, the ornament and the honor of this hall, thank God that you are not such as he was, for he, too, was a slaveholder. But he was first in war, first in peace, and first in the hearts of his countrymen. Yes, sir, he led your armies in battle—he led them to victory and glory. He founded an empire, and will through all time be known as the Father of his Country. But strange to tell, so great has been the progress of some in this progressive age, that his memory was traduced by one of the leading speakers in the late Abolition convention at Syracuse, New York. In this convention the Union was denounced—the Constitution was denounced, and the memories of Washington, Jefferson, and Madison, were traduced because they were slaveholders. Are not these men mad? They are either mad or worse; they are traitors to all the glories of the past and all the hopes of the future. I know that some men are fanatics on this subject, and are possessed with a piety so transcendental that they fear that they may be offered up as a vicarious atonement for the sins of the South. But I think I can venture to give such the assurance, that the sin (if sin it be) is our sin, and that it is in vain that they trouble their consciences with it, and that they are not responsible for the matter by any law, either human or divine; and I think that if God has borne with us for two hundred years, and has made us the most prosperous and happy people upon the earth, that they might also bear with us, particularly as they or their ancestors assisted to fix the institution upon us.

Mr. Chairman, there is one thing that I can say on this subject in vindication of the South, and it is this: that 3,000,000 of the negro race have never before, in any portion of the recorded history of man, been as much civilized or christianized as those now in the United States. And I would say, that any man who will attend the church service, and witness the christian piety of a congregation of slaves, will be compelled to admit that African slavery has not been an unmitigated evil, even to the slave. And if he has one particle of christian faith or christian hope in his heart, when he compares the present position of the negro with that of the barbarian idolater and cannibal in Africa, he will be constrained to say, that God may have had, and must have had some compensating providence in store for this people, and that slavery is the probationary state preparatory to it. What this may be, no man can tell—"God's ways are not as our ways, nor his thoughts as our thoughts."

There are many who suppose that slavery is a social and political evil, and for this reason they refuse to let it go to the territories. But if it were the evil which they insist it is, why shall the whole burden of it be thrown upon the present slaveholding States? Why not let the new States take their share of it? In what are they better than we? If this was a new question, as to the introduction of slavery into the United States, I could understand the zeal of the North as reconcilable with principles of patriotism and honesty—but we do not propose to make any freeman a slave; nor do we propose to open the African slave trade. No, nothing of this kind is sought to be done. All that we ask is, that the master, with his slave, may be permitted to enter the common territory of the Union. We ask it, from the conviction that it would be better for both. It would certainly be better for the slave, as he is better provided for in a new and abundant country than in an old and exhausted one. Also, the dividing of the slaves into many hands would add to their comfort and the facility of their final emancipation; especially if New Mexico and California are not suited to slave labor. If this be true, every slave carried there would soon become a free man. In some of the slave States the negro population is as large as the white. While this state of things continues, emancipation in these States is morally impossible. Under such circumstances, it would of necessity result in social and political equality. And even our northern friends have yet some prejudices on the subject of color. I see that in the good old Bay State there is even now a struggle going on to keep the negro children out of the common schools. And I presume those of you who have families have some prejudices of color in your parlors; and Cuffy is not even there on a foo ing with the descendant of the Puritan. I suppose that the descendant of the Huguenot and Cavalier may be allowed the same prejudices.

Mr. Chairman, there is one view of this subject which has always struck me with some surprise, and has constrained me to doubt the sincerity of the abolition movement as a measure of philanthropy. It is this: I never hear of the Abolitionists, Free Soilers or Wilmot provisoists paying anything to the cause of negro emancipation—I have heard of few cases in which they have ever purchased the freedom of a slave. Now, if they are sincere in this matter, it would not cost them any more to emancipate my slaves than it would cost me. And really, if they are in earnest, why do they not buy the freedom of the slaves, and take them to their homes and minister unto them? This would at least show honesty and sincerity, and their works would illustrate their faith. I have never had much faith in those who talk much of charity, but never give. You propose to destroy $1,500,000,000 of our property, while you do not give a dime to the same object yourselves. It might from this be inferred that most of your philanthropy was intended for home consumption, and to keep your seats here. It is with small men a convenient means of temporary advancement; and with ambitious and bad men it is a means of personal and sectional aggrandizement. You are the worst enemy the slave has on earth. You rivet and tighten his chains. I have heard the objection urged against the institution of slavery at the South, that it entered into competition with the free labor of the North, and, therefore, must be abolished. This is agrarianism. It is confiscating the estates of one-half of the people of this Union for the benefit of the other half. And permit me, in this connection, to suggest to my friends of the North, that when they have gotten through with this negro agrarianism, and the agrarianism that is going on in relation to the public land, that the next move may be real *bona fide* agrarianism at home. The idea that all men are born free and equal, is a very pretty one, and I suppose that equality in property is about as desirable as equality in political rights; and as much political capital could be made out of this idea, as most of the other hum

bugs of the day; and I suppose it might be made to meet the ideas of the foreign emigrants who are arriving by hundreds of thousands in our northern cities, and for whose votes so many political aspirants appear to be most anxious. The idea of every man having his own independent estate, sufficient for every comfort, would be very taking.

Mr. Chairman, one of the evils of the times is, that politicians and demagogues and fanatics seize hold of some single idea, some abstract truth, and, separating it from all its natural connections, attempt to substitute it for an entire system of governmental policy. If honest, they are monomaniacs. They threaten to subvert the very foundations of all government in pursuit of a single idea. In pursuit of an abstraction, they lose sight of all the practical benefits of good government. They forget that we have to take the world as we find it—and not as the transcendentalist would have it. The real philanthropist would desire that there should be neither a name nor a place for crime or misery among all the works of God. But if he were a Christian, he would not condemn the whole system of God's providence because it did not conform to his views. I would suggest to our transcendental and perfectability friends, to do likewise. Our systems of government may not, in their view, be perfect; but they were framed by men greater, wiser, better than ourselves, and, heretofore, have answered the purpose for which they were intended. Our government (in the language of the Constitution) was created in order "to form a more perfect union, to establish justice, insure domestic tranquility, to provide for the common defence, to promote the general welfare, and to secure the blessings of liberty to ourselves and our posterity." It has done all this, notwithstanding its guarantee and recognition of the institutions of the South. It will continue to do so, if you respect its compromises—otherwise it must fall, and this Union must perish.

I would ask our northern friends, Mr. Chairman, before separating from us, to calculate what we are worth to them. To the North this Union is indeed a pearl beyond price—it is worth more than all the political capital you can make out of this abolition agitation. And I say to you in all candor, that you must relinquish the one or the other. The capital invested in abolition and free-soilism is but small in amount—it is rather a peddling business, and though its discontinuance might break many a small trader in politics, I suppose our Whig friends over the way would assist in passing a political bankrupt law, which would give you absolution on full confession and repentance. But, to be serious, sir, independent of all considerations of patriotism, I would urge our northern brethren to calculate in dollars and cents what this Union is worth to them. I would ask them to inquire who pays the taxes of this Government, and who receives them. I would ask the manufacturers of cotton, whence comes the raw material, and where is the manufactured article sold—and whence comes the protection of near 30 per cent. upon all northern labor and capital? Who furnishes the freights for your shipping interest? Where do you find the profits of your commerce and navigation? Why have you the entire coasting trade? Yes, Mr. Chairman, this Union is known to the people of the North only by its blessings; to us of the South only by its burdens. When you come to pay the taxes of a separate government, we will see whether or not you will always vote to appropriate money, and to increase taxes. The Union is to you unadulterated good—every governmental tax is to you a bounty, and every burden a blessing. Without the Union your factories will rot down, and grass grow in your streets. Mr. Chairman, I will not discuss the question of the power of the South to maintain her independent existence against all comers. I will simply say that we would be stronger and richer than any people upon earth, with like numbers. Money is the sinew of war, and this we would have in abundance, with lighter taxes than we now pay in times of profound peace. But this question ought not to be discussed. I will not not discuss it. I trust it will never be necessary.

Mr. Chairman, some of the feeling of hostility which exists in reference to the South, is political, and ought not to be felt at least upon this side of the House. One ground of complaint is, that the South has had an undue proportion of the high offices of this Government. For instance, we have had most of the Presidents. Now, ought it to be cause of complaint against us, or jealousy towards us, that Washington, Jefferson, Madison, Monroe, Jackson, and Polk, were southern men? No! they were great and glorious names, and we all should be proud of them as our countrymen. But, Mr. Chairman, the true cause of the South having held many of the important offices has not been in consequence of sectional feeling, but it has arisen from the fact, that from the days of Washington until now, the strength of the Democratic party has been in the South, and elections have turned upon Democratic principles, and our victories have by us always been esteemed triumphs of principle and not of section. I trust the time will never come, when on questions of this character we will love our section more than our principles or our common country.

Washington, sir, in his Farewell Address, has warned us against "the impostures of pretended patriotism, and the mischiefs of foreign intrigue." I have already spoken to you of the one, I will now briefly refer to the other. I will not say that I have the evidence of such intrigue, but this I will say, that the Abolition and Free Soil movement is doing that which, of all things earthly, is most desired by all the despots of Europe. They look upon our institutions with jealousy, and would be greatly pleased at their destruction; and I presume that no man here entertains a doubt that this agitation threatens to bring about a dissolution of the Union. England knows and fears our naval and commercial rivalry, and nothing but the dissolution of this Union can save to her the ascendency. With the Union, we will not only rival but surpass her; with the dissolution of the Union, her commerce must remain unrivalled, and through all time she may ride mistress of the seas. As I before said, I have no evidence of her agency—that of course I never can have, because to be efficient it must be secret. Neither you nor I know but that her paid secret agents are in our midst. This work is done so precisely agreeable to what I know would be her wishes and her interest, that it naturally suggests the idea that it may be done to order. Further, this idea of Canadian annexation, which was agitated in the Legislature of New York but a few days since, and which has, until lately, been rather countenanced by the English Government, comes most opportunely to excite the further alarm of the South, more especially when it is sought by the Empire State for purposes of aggression. I have, too, been surprised at the amount of money that has been expended, and is still ready to be expended, in the attempt to revolutionize Cuba, with a view to annexation. I do not know that England has anything to do with it, but I do know, that she is the party to be benefited, if these agitations should bring about a dissolution of the Union. I further know that England always sees her interest, and never omits the means of advancing it. Her statesmanship is the most far-sighted and grasping, and she never loses an opportunity of advancing either her interest or her power.

Mr. Chairman, in this discussion I have endeavored to be candid. I have stated my convictions as they exist upon my own mind. I hope others will fairly weigh them, and take them for whatever they may be worth. The time allowed in this house is too short to discuss the legal question, either from authority or by reference to precedents. I have consequently taken the Constitution as my guide, and have looked into it for my political faith, as I would into my Bible for my religious. When I took my seat here, I took an oath to preserve, protect, and defend the Constitution. To do this in the right spirit, we must look to the instrument itself—and let precedent and authority have no influence with us, but as simple matter of reason. Our oath is to support the Constitution as our fathers made it, and not as either courts or congresses have construed it. If this course is adopted, even the very few arguments I have used are enough. If you take any other course, the Constitution is but waste paper, and the sooner you burn it up the better. I admit the authority of precedent in matters of judicial decisions of private rights, but not in the action of coördinate departments of governments. We have no infallible church, nor have we an infallible court—nor should the decisions of one Congress bind the consciences of another.

Mr. Chairman, I will now close my remarks, as I opened them, by invoking the serious attention of this House and this nation to the danger which menaces our free and glorious institutions. On every side and from every quarter of the Union I hear the reverberations of this danger, which, to use the language of Mr. Jefferson on a similar occasion, "falls upon my ear like the alarm of the fire-bell at night—like the knell of the Union." Yes, sir, I warn you, and through you this House and this nation, that the ship of State approaches the dreadful maelstrom of Disunion. She already feels and answers to its circling currents. It is time that every hand was upon deck, and that every sail was set. Yes, we approach the whirlpool—the sails are rending, the masts are shivering. Cast out the anchor, the anchor of the Constitution; even yet it may take hold upon the minds and the hearts of the people, and save the ship; which that God may grant, should be the prayer of every heart.

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SPEECH

OF

MR. HORACE MANN, OF MASS.,

ON THE

SUBJECT OF SLAVERY IN THE TERRITORIES,

AND THE CONSEQUENCES OF THE

THREATENED DISSOLUTION OF THE UNION.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 15, 1850.

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SPEECH.

Mr. CHAIRMAN; Ever since the organization of this House,—before its organization, and even in a preliminary caucus that preceded the commencement of the session, southern gentlemen have pressed the cause, not only of human slavery, but of slavery-extension, upon us. From motives of forbearance, and not from any question as to our rights, we of the North have maintained an unbroken silence. The time has surely come when the voice of freedom should find an utterance. Would to God that on the present occasion it might find an abler defender than myself, although, if my ability to defend it were equal to the love I bear it, it could ask no abler champion.

I wish to premise a few words respecting the propriety and true significance of some of the epithets by which the parties to this discussion are characterized. The term "Free-Soiler" is perpetually used upon this floor as a term of ignominy and reproach; yet, I maintain that in its original and legitimate sense, as denoting an advocate of the doctrine that all our territorial possessions should be consecrated to freedom, there is no language that can supply a more honorable appellation. It expresses a determination on the part of its disciples to keep free the territory that is now free; to stand upon its frontier as the cherubim stood at the gates of Paradise, with a flaming sword to turn every way, to keep the sin of slavery from crossing its borders. If, in any instance, the original advocates of Free-Soil have abandoned their integrity, and have courted allies who had no sympathy with their principles, but were only eager to join them in a struggle for political ascendency, then, in my judgment, they have lost infinitely more in moral power than they have gained in numbers. They have ceased to be genuine and single-hearted Free-Soilers, whom I love, and have become partisans, whom I condemn. For myself, I will engage in any honorable measure most likely to secure freedom to the new Territories. I will resist any and every measure that proposes to abandon them to slavery. The epithet "Free-Soiler," therefore, when rightly understood and correctly applied, implies both political and moral worth; and I covet the honor of its application to myself. But what does its opposite mean? What does the term "Slave-Soiler" signify? It signifies one who desires and designs that all soil should be made to bear slaves. Its dreadful significancy is, that, after Magna Charta, and the Petition of Right in Great Britain, and after the Declaration of Independence in this country, we should cast aside with scorn, not only the teachings of Christianity, but the clearest principles of natural religion and of natural law, and should retrograde from our boasted civilization into the Dark Ages,—ay, into periods that the dark ages might have called dark. It means that this *Republic*, as we call it, formed to establish freedom, should enlist in a crusade against freedom.

And again; those of us at the North, who resist slavery extension, who mean to withstand its spread beyond the limits where it now exists, are denounced as Abolitionists. This epithet is applied to us as a term of reproach and obloquy; as a brand and stigma upon our characters and principles. No distinction is made between those few individuals among us who desire to abolish the Constitution of the United States; and that great body of the people, who, while their allegiance to this Constitution is unshaken, mean also to maintain their allegiance to truth and to duty, in withstanding the hitherto onward march of slavery. Among the latter class, Mr. Collamer, the Postmaster General, is called an Abolitionist. Mr. John Quincy Adams was denounced as an arch-abolitionist. Every man who advocates the Jefferson proviso, against the spread of slavery, is so called; and if an unspeakable abhorrence of this institution, and the belief that it is the second greatest enormity which the oppressor, in his power, ever committed against the oppressed, in his weakness,—being inferior only to that ecclesiastical domination which has trampled upon the religious freedom of man,—I say, if this abhorrence of slavery, and this belief in its criminality, entitle a man to be denominated an Abolitionist, then I rejoice in my unquestionable right to the name.

In my apprehension, sir, before we can decide upon the honor or the infamy of the term "Abolitionist," we must know what things they are which he proposes to abolish. We of the North, you say, are Abolitionists; but abolitionists of what? Are we abolitionists of the inalienable, indefeasible, indestructible rights of man? Are we abolitionists of knowledge, abolitionists of virtue, of education, and of human culture? Do we seek to abolish the glorious moral and intellectual attributes which God has given to his children, and thus, as far as it lies in our power, make the facts of slavery conform to the law of slavery, by obliterating the distinction between a man and a beast?

Do our laws and our institutions seek to blot out and abolish the image of God in the human soul? Do we abolish the marriage covenant; and instead of saying, with the Apostle, that wives shall submit themselves to their husbands, command them to submit themselves to any body, and to their master as husband over all? Do we ruthlessly tear asunder the sacred ties of affection by which God has bound the parent to the child and the child to the parent? Do we seek to abolish all those noble instincts of the human soul, by which it yearns for improvement and progress; and do we quench its sublime aspirations after knowledge and virtue? A stranger would suppose, from hearing the epithets of contumely that are heaped upon us, that we were abolitionists of all truth, purity, knowledge, improvement, civilization, happiness and holiness. On this subject, perversion of language and of idea has been reduced to a system, and the falsehoods of our calumniators exclude truth with the exactness of a science.

But if the word "Abolitionist" is to be used in a reproachful and contumelious sense, does it not more properly belong to those who would extend a system which in its very nature abolishes freedom, justice, equity, and a sense of human brotherhood? Does it not belong to those who would abolish not only all social and political, but all natural rights; who would abolish "liberty and the pursuit of happiness;" who would close up all the avenues to

knowledge; who would render freedom of thought and liberty of conscience impossible, by crushing out the faculties by which alone we can think and decide; who would rob a fellow-man of his parental rights, and innocent children of the tenderness and joys of a filial love; who would introduce a foul concubinage in place of the institution of marriage, and who would remorselessly trample upon all the tenderest and holiest affections which the human soul is capable of feeling? After Mr. Jefferson, in the Declaration of Independence, had enumerated a few oppressive deeds of the British king towards his American colonists, he denominated him "a prince whose character was marked by every act that could define a tyrant." There are now as many slaves in this country as there were colonists in 1776. Compare the condition of these three million slaves with the condition of the three million colonists. The conduct of that sovereign who was denounced before earth and heaven as having committed all the atrocities that could define a tyrant, was mercy and loving-kindness compared with the wrongs and privations of three millions of our fellow-beings now existing among us. If the word "Abolitionist," then, is to be used in a reproachful sense, let it be applied to those who, in the midst of the nineteenth century, and in defiance of all the lights of the age, would extend the horrors of an institution which, by one all-comprehending crime towards a helpless race, makes it impossible to commit any new crime against them, —unless it be to enlarge the area of their bondage, and to multiply the number of their victims.

If we are abolitionists, then, we are abolitionists of human bondage; while those who oppose us are abolitionists of human liberty. We would prevent the extension of one of the greatest wrongs that man ever suffered upon earth; they would carry bodily chains and mental chains,—chains in a literal and chains in a figurative sense,—into realms where even the half-civilized descendants of the Spaniard and the Indian have silenced their clanking. We would avert the impending night of ignorance and superstition; they would abolish the glorious liberty wherewith God maketh his children free. In using this word, therefore, to calumniate us, they put darkness for light, and light for darkness; good for evil, and evil for good.

The constitutional right of Congress to legislate for the territories is still debated. Having presented my views on this subject before, I shall now treat it with brevity. In a speech by General Cass, which has lately been published, that distinguished Senator, in order to prove that Congress has no power to legislate on the subject of slavery in the territories, has attempted to prove that it has no power to legislate for the territories at all. I refer to the Senator from Michigan, because he now stands before the country in the two-fold character of being the head of the Democratic party, which goes for the "*largest liberty;*" and also of the extreme pro-slavery party, which goes for the *largest bondage*. He would sever all diplomatic relations between this country and Austria, because she has robbed the Hungarians of *a part* of their liberties, while he is drawing closer the political ties which bind him to the South, which has despoiled three millions of Africans of *all* their liberties, and is now intent on propagating other millions for new despoliations. He claims, as the great bequest of the barons of Runnymede, that the inhabitants of the territories, under all circumstances of infancy, or poverty, or weakness, shall have the sole and exclusive right of governing themselves; when the practical result of this doctrine, so nicely timed, would be, that one part of those inhabitants would be crowned with power like so many King Johns, to lord it over their vassals. Under the name of liberty, he enters a path that terminates in bondage. Southern gentlemen had all admitted the power of Congress to legislate for the territories, though they denied the special inference, deducible from the general power, that they could legislate to prohibit slavery in them. But, seeing that the right to legislate on the subject of slavery flows irresistibly from the right to legislate on all other subjects, because no rule of interpretation, which concedes the power to make laws respecting political franchises, courts, crimes, officers, and the militia, can stop short at the subject of slavery;—seeing all this, General Cass denies both inference and premises, and places the General Government in the relation of a foreign power to the territories which it owns, and of which it possesses the acknowledged sovereignty. He reminds one of the man who denied the existence of future punishment, and, when pressed with arguments drawn from the deserts of men, and from the justice of God, he suddenly arrested his antagonist by denying the existence of a God!

When some immensely long speech, made in the British House of Commons, was spoken of before Sheridan as being *luminous*, he expressed both a negative and an affirmative opinion respecting it, in a single word, by replying that it was *vo*-luminous. General Cass, in a speech that fills more than nineteen columns in the Washington *Union*, has reviewed the decisions of all the judges of the Supreme Court who have ever expressed any opinion on the subject of Congressional power over territorial legislation; he has commented upon the views of all the jurists who have written upon it, and of most of the speakers in both Houses of Congress who have discussed it; he has surveyed the course of administration of all the Presidents we have ever had; and has come to the clear conclusion that all of them,—judges, jurists, legislators, and Presidents,—have systematically violated the Constitution of the United States, or commended its violation, on every practicable occasion for the last sixty years!

Omitting the hundred ways in which the absurdity of this conclusion can be exposed, let me subject it to one practical test. We have acquired territory from Mexico. General Cass voted to ratify the treaty of cession. Measures have been instituted for the formation of three separate governments in this Territory—those of California, Deseret, and New Mexico. The boundaries marked out by California and Deseret overlay each other to the amount of thousands of square miles. If they have the exclusive right of self-government, as General Cass declares, and Congress none, then they must settle this question of boundary themselves. They may declare war against each other, make alliances with foreign powers, equip armies, build fleets; while Congress can do nothing within their limits but—sell land.

But what renders the argument of General Cass still more extraordinary is the fact, that, according to his own doctrine, he has spent the greater part of his political life in violating the Constitution, while constantly repeating his oaths to support it. As marshal of Ohio, as governor of Michigan, as Indian agent, he has appointed officers and magistrates, and executed laws, when, according to his own showing, he was a mere interloper and usurper; he has met territorial legislatures which had no more right to assemble than a mob; he has doubtless imprisoned, if not executed, many alleged offenders, who had as good a legal right to execute

or to imprison him; and he has received salaries for more than twenty years, to which the Khan of Tartary was as much entitled as he. Now, if he will refund the salaries he has unconstitutionally received; make reparation for the penalties or forfeitures he has wrongfully extorted; show some signs of contrition for the men whom he has unlawfully imprisoned or hung, it will remove the suspicions of many minds, in regard to the sincerity, if not the soundness, of his argument.

I mention these facts from no personal feelings in regard to the Senator from Michigan; but only to show to what desperate extremities men are driven in order to defend the right of spreading slavery from the Atlantic to the Pacific ocean; and because this is the last reading of the Constitution which has been invented for the purpose.

Since the last session of Congress, the condition of a part of this territory has greatly changed. The unexampled velocity with which a living stream of men has poured into it within the last twelve months has reversed its condition and decided its destiny. In other countries, *individuals* seek their fortunes by changing their residence. Under the vehement action of our enterprise, cities migrate. The new residents of California have framed a constitution, have applied for admission into this Union, and their application is now pending before us. Of their own accord, they have excluded slavery from their borders by their fundamental law. Until the discovery of gold in that country, and until all incredulity in regard to that remarkable fact had been overcome, it was confidently anticipated at the South, and intensely feared at the North, that the whole region would be overrun with slaveholders and with slaves. As far back as 1842, Mr. Wise, of Virginia, the administration leader in the House of Representatives, boldly declared that "*slavery should pour itself abroad without restraint, and find no limit but the Southern Ocean.*" The war with Mexico was waged for the two-fold purpose of robbing that republic of its territory, and then of robbing that territory of its freedom. Congressional orators and the Southern press avowed that the object of acquiring territory was to extend the "divine institution." I could quote pages in proof of this assertion. The North had no hope, the South had no fear, if the territories were left without control, that they would first be filled with slaveholders, and would then incorporate slavery into their organic law. While these hopes and apprehensions existed, the South insisted that the Territories should be left untrammelled. Distinguished men in this House, Mr. Calhoun and other Senators, the Government organ which was supposed to express the views of the President and his Cabinet, all proclaimed that the Territories should be left free to institute such government as they might choose.* But since California has formed a free constitution, what a sudden change has taken place in the convictions of men! Within the present week we have had three most elaborate speeches in this House, in which the admission of California, with her free constitution, is vehemently opposed on constitutional grounds. Yes, sir, did you know it? *the Constitution of the United States has just been altered;* or, what is intended to produce the same effect, without the trouble of an alteration in the manner prescribed by itself, its interpretation has been altered. While California promised to be a slave State, all interference was unconstitutional. Now, as she desires to be a free State, it has become constitutional to interfere and repel her. Not only so, but, according to the gentleman from Alabama, (Mr. INGE,) in swearing to support the Constitution we have sworn to perpetuate, and not only to perpetuate, but to *extend* slavery. "To those," he says, "who are disposed to resist my views, I commend a more attentive reading of that instrument. They will find that it not only guarantees slavery, but provides for its extension." Or, as he says in another place, it makes provision "to extend the institution indefinitely."

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* In February, 1847, Mr. Calhoun offered a series of resolutions in the Senate of the United States, among which was the following:

"*Resolved*, That it is a fundamental principle in 'our political creed, that a people, in forming a 'constitution, have the unconditional right to form 'and adopt the government which they may think 'best calculated to secure their liberty, prosperity, 'and happiness; and, in conformity thereto, no 'other condition is imposed by the Federal Constitution on a State, in order to be admitted into this 'Union, except that its constitution shall be 'republican;' and that the imposition of any other by 'Congress would not only be in violation of the 'Constitution, but in direct conflict with the principle on which our political system rests."

In sustaining these resolutions, he said:

"Sir, I hold it to be a fundamental principle of 'our political system that the people have a right 'to establish what government they may think 'proper for themselves; that every State ABOUT to 'become a member of this Union has a right to 'FORM ITS OWN GOVERNMENT AS IT PLEASES; and 'that, in order to be admitted, there is but one 'qualification, and that is, that the government 'shall be republican. There is no express provision to that effect, but it results from that important section which guarantees to every State in 'this Union a republican form of government."

Mr. Senator Downs, of Louisiana, offered the following resolution:

"*Resolved*, That it is competent and expedient, 'and not inconsistent with the practice of the Government in some cases, to admit California, or 'such portion of it as Congress may deem proper, 'immediately into the Union, on an equal footing 'with the other States; and that the Committee on '——— be instructed to report a bill for that purpose, for that portion of California which lies west 'of the summit of the Sierra Nevada mountains."

The doctrine of these resolutions was fully endorsed by the Washington *Union*, speaking, doubtless, (for it never spoke any thing else,) the sentiments of the then administration:

"The South denies that Congress has any jurisdiction over the subject of slavery, and contends 'that *the people of the Territories alone*, when they 'frame a constitution, preparatory to admission 'into the Union, *have a right to speak and be heard on 'that matter.* This fact being settled, *it really seems 'to us that this exciting question might be speedily 'adjusted*, if calm counsels prevail. The South 'contends for her honor, and for the great principles of non-intervention and State equality. '*Why, then, cannot all unite, and permit California 'to come into the Union as soon as she can frame a 'constitution?* Then, according to the doctrines 'which prevail on both sides of Mason and Dixon's 'line, she may constitutionally establish her domestic institutions on any basis consistent with republican principles. *The South could lose nothing by 'adopting this course. On the contrary, she would 'save all for which she contends.*"

And, therefore, when a territory asks to be admitted as a free State, it is to be repulsed, and virtually told, "If you will incorporate slavery into your constitution, you shall be admitted"; if not, not." Had the man who first uttered the adage that "circumstances alter cases," foreseen our times, he would have said, "circumstances alter principles."

The same gentleman defends slavery by an appeal to the Bible. But, if the Bible be authority for the principal, is it not authority for the incidents also? If an authority for the cruelties of bondage, is it not an equal authority for its mitigations? Is not the command to "hallow the fiftieth year," as a year of jubilee, and to "proclaim liberty throughout all the land unto all the inhabitants thereof," contained in the same code, and in the same chapter of the same code, with that oft-cited authority to buy bondmen and bondmaids of the heathen? If the Bible is your commission, why do you not follow the terms of the commission, obey its limitations, as well as its powers. This is the fiftieth year of the century,—the very year of jubilee itself; and yet, instead of "returning every man unto his possession, and every man unto his family," this is the chosen year for subjugating new realms to bondage. It is not to be "hallowed" as a year of jubilee, but to be profaned as a year of captivity and mourning.

Sir, I must express the most energetic dissent from those who would justify modern slavery from the Levitical law. My reason and conscience revolt from those interpretations which

> "Torture the hallowed pages of the Bible,
> To sanction crime, and robbery, and blood,
> And, in oppression's hateful service, libel
> Both man and God."

Priests appealed to the Bible in Gallileo's time, to refute the truths of astronomy. For more than two hundred years, the same class of men has appealed to the same authority to disprove the science of geology. And now this authority is cited, not to disprove a law of physical nature merely, but to deny a great law of the human soul,—a law of human consciousness,—a law of God, written upon the tablet of every man's heart, authenticating and attesting his title to freedom. Sir, let those who reverence the Bible beware how they suborn it, to commit this treason and perjury against the sacred rights of man and the holy law of God. Whatever they gain for the support of their doctrine, will be so much subtracted from the authority of the Scriptures. If the Bible has crossed the Atlantic to spread slavery over a continent where it was unknown before, then the Bible is a book of death, and not a book of life.

It is further objected to the admission of California, that its dimensions are too large for a single State. The force of this objection is somewhat abated when we reflect that it comes from men who were most strenuous for the admission of Texas. However, I shall not object very earnestly to the reduction of its limits. I will say, in frankness, that the southern portion of California is understood to be even more attached to freedom than the northern. The result may, therefore, be, if this objection is persisted in and a division made, that we shall soon have two free States instead of one. It was said, by the last administration, that Mexico was to be dismembered, in order "to extend the area of freedom." The most just retribution for that diabolical irony, is to carry out the declaration literally.

But I now come to a more substantial part of this great question. The South rests its claims to the new territory upon the great doctrine of equality. There are fifteen slave States; there are only fifteen free States. The South contributed men and money for the conquest, not less than the North; hence, equal ownership and equal rights of enjoyment. This is the argument. In a long and most elaborate speech, delivered in the Senate this week, by one of the most eminent jurists in the southern States, (Judge Berrien,) he founds the whole claim of the South on this doctrine of equality.

Now, I admit this principle in its fullest extent and without hesitation. That country is equally free to all the people of the United States. The government can sell the lands not already covered by valid titles; and any citizen who will comply with its terms can buy them. The people of each of the United States can go there and establish their domicil. The laws of Congress make no discrimination between them. The Constitution makes no such discrimination. The law of nature and of nations makes none. The North has no privilege over the South, and the South has none over the North. If the North has any greater right there than the South, the equality is destroyed. If the South has any greater right there than the North, the equality is equally destroyed.

And now, practically, what right has the North, or what right is claimed by the North, which the South has not to an equal extent? What article of property can a citizen of Massachusetts carry there which a citizen of Georgia can *not* carry there? Can we carry any of our local laws there; even though all the inhabitants of the State should remove thither in a body? Certainly not. When we leave our State, we leave our local laws behind us. A citizen of Boston has a right to educate his children at school, at the public expense. In the Boston public schools, he can prepare his son to enter any college in this country, even though he is too poor to pay a cent of tax, and never has paid a cent of tax: Has he any such right on arriving at San Francisco? If the city of Boston debars him of this right of educating his son at the public charge, he can institute a suit against it and recover full damages. Can he do the same thing at San Francisco or San Jose? Certainly not. He has left the laws and institutions of Massachusetts behind him. But, it is said, we can carry our *property* there, and you cannot carry your *property* there. I think those who use this argument, like the old Roman augurs, must smile at each other askance, for the credulity or simplicity of those they beguile by it. Will not every man, even of the feeblest discernment, see the fallacy which is here covered up under the word "*property?*" What is meant by this deceptive term "*property?*" If you mean silver, or gold, or grass, or grain, or sheep, or horses, cannot you carry these there as freely as we can? But you have special laws; local and peculiar laws,—laws contrary to the great principles of the common law, by which you call *men and women* property. And then, forsooth, because we can carry *property* there, when *property* means grain and cattle, you can carry property there when it means human beings,—perhaps your own brothers, or sisters, or children. Because we can carry our property there, when property means inanimate substances, you have only to call a human being *property*, you have only to call a creature, formed in the image of God, *property*, and then he can be smuggled in under the new name. Why, sir, there is not a respectable village in the country where, if a juggler or mountebank were to attempt to palm off upon his audience so flimsy a trick as this, he would not be hissed off the stage. There are certain kinds of property and rights which we

can carry with us to the Territories, and other kinds which we cannot. We can carry movable property, but not immovable,—a diamond or a library, but not a cotton factory nor a cotton field. By the papers of this city, as I open them every morning, I see that lotteries are authorized by more or less of the southern States. Their "schemes" are regularly advertised. I remember, when stopping for a day in one of the southern cities, that some half-official looking personages came into the hotel, cleared a large space in the public hall, set down a rotary machine, and proceeded to draw a lottery. Now, in Massachusetts, and in many of the northern States, lotteries are prohibited, under severe penalties. With us, it is highly penal to advertise a lottery in any form, to placard one at the corners of the streets, or to exhibit any plan or emblem of one at a shop window. We act upon the well-known truth, that there is a much less number of persons who draw any considerable prize in a lottery, than there are who are killed by lightning; and, therefore, whatever chance a ticket-holder has of drawing any considerable prize, we know that he has a much greater chance of being killed by lightning. Now, when a citizen of Virginia and a citizen of Massachusetts go to the new Territories, does the former carry his right to establish and draw a lottery, or the latter carry his right to prosecute the other for doing so? Neither; certainly neither. Both have left the local law behind them. If any State in this Union had adopted polygamy as its peculiar institution, could an inhabitant of that State take a dozen wives with him into the new Territories, and defend his claim to live with them there because he could do so at home?

Suppose, in pursuance of the "manifest destiny" principle, we should "*re*-annex" a part of China to this Union, would the Chinese, on removing to California, carry the practice of infanticide with them? There are cannibal islands in the South seas, where, as voyagers tell us, it is the practice of the chiefs, after having condemned and executed a criminal, *to dine on him*. If "manifest destiny" should unite them to this country, could they bring their peculiar institution of cannibalism into New Mexico? Just as well, I answer, and on precisely the same legal ground, that the South can carry slavery into New Mexico. The reason is, that the law of slavery is a *local* law. Like lotteries, or polygamy, or infanticide, or cannibalism, it can legally exist in no land where the principles of the common law prevail, until it is legalized and sanctioned by a special law. It is then permitted on the simple ground that so much of the common law as secures liberty and property, the right of habeas corpus, and freedom of speech to each individual, has been cut out and cast away. The Constitution proceeds upon this doctrine when it provides for the recapture of fugitive slaves. Why did it not provide for the recapture of a fugitive horse, or ox? Why did it not provide that, if a horse or an ox should escape from a slave State into a free State, it should be delivered up, or be recoverable by legal process? Because horses and oxen are *property*, by the common consent of mankind. It needed no law to make them property. They are property by the law of nations, by the English common law, by the law of every State in this Union,—*while men and women are not*. An escaped slave could not be recovered before the adoption of the Constitution. The power to seize upon escaping slaves was one of the motives for adopting it. These considerations demonstrate that slaves are not *property*, within the meaning of this word, when it is affirmed that if the North can carry *its* property into the Territories, so can the South. As the Constitution, in terms, adopts the common law, it leaves slavery nothing to stand upon but the local laws of the States where it is established. Freedom is the rule, slavery is the exception. Judge Berrien's favorite doctrine of equality would, therefore, be destroyed if the exception should prevail over the rule. For, if slavery can be carried into any of our Territories by force of the Constitution, it can into all of them; and, if carried into all of them, the exception becomes the rule, and the rule perishes. Ay, the rule ceases to be even so much as an exception to that which was *its* own exception. It is wholly swallowed up and lost.

I know it is said that the *fact* of slavery always precedes the *law* of slavery; that *law* does not go before the institution and create it, but comes afterwards to sanction and regulate it. But this is no more true of slavery than of every other institution or practice among mankind, whether right or wrong. Homicide existed before law; the law came in subsequently, and declared that he who took an innocent man's life, without law, should lose his own by law. The law came in to regulate homicide; to authorize the taking of human life for crime, just as we authorize involuntary servitude for crime; and it may just as well be argued that murder is a natural right, because it existed before law, as that slavery is a natural right because it existed before law. *This argument appeals to the crime which the law was enacted to prevent, in order to establish the supremacy of the crime over the law that forbids it.*

There is another fallacy in the arguments which southern gentlemen use on this subject, which, though not as transparent as the preceding, is quite as unsound. They speak of the *rights* of the slaveholder in the new Territories. They speak as though the collective ownership of the Territories by the Government, were the ownership of the people in severalty; as though each citizen could go there and draw a line round a "placer" and say *this is mine;* and then, *because it is his,* introduce his slaves upon it. But nothing is more clear than that there is no such *individual* right. The right of the Government is, *first,* a right of sovereignty and jurisdiction; and *second,* the right of ownership of all lands, navigable waters, &c., which have not been conveyed away by the pre-existing government. Individuals retain their citizenship on going there, as they do on going to Great Britain or France; But a slave has just as much right to a portion of the public lands in California, when he gets there, as his master.

Again; If the master carries into California the legal right to hold slaves, which he possessed at home, does not the slave also retain his legal rights when he is transferred there. The laws which govern slaves are as various as the States where they exist. In some States manumission is comparatively unobstructed. In Delaware, it is a penal offence even to sell a slave to a notorious slaveholder. In Georgia, the law forbids, or lately forbade, the importation of slaves for sale. Now, how can a Georgian import slaves into California, from Georgia, when the very laws of his own State, under which he claims to hold slaves, and under which laws he claims to carry slaves with him, forbid their importation?

And further, political franchises or privileges are just as much a part of a man's rights as any tangible commodity. In South Carolina, the ownership of ten slaves constitutes a property qualification for being a member of the Legislature. On removing to California, will the citizen of South Carolina,

who owns ten slaves, carry an eligibility to the Legislature of California with him? Nay, this political privilege in South Carolina goes further. It is a right in every owner of ten slaves that no man who does not own ten slaves, (or some legal equivalent,) shall be a member of the Legislature. The aspirant for office has a legal right in the limitation of the number of his competitors as much as in any thing else. Can he carry *this* to California with him? The inference is inevitable, that if the inhabitants of the fifteen slave States can carry slaves into California by virtue of the laws of their respective States, then they must also carry all the incidents of slavery known to their respective codes. For, how can the incident be separated from the principal? You might, therefore, have, in a neighborhood of fifteen families, fifteen slave codes in operation at the same time,—a manifest absurdity.

The conclusion, then, is irresistible, that when you come to the boundary line between a slave State and a free State, you come to the boundary line of slavery itself. On one side of the line, down to the nadir and up to the zenith, the blackness of the slave code pervades all things; but, on the other side, as high above and as deep below, is the purity of freedom. Virginia cannot extend her laws one hair's breadth over the line into Pennsylvania or into Ohio, because their soil is beyond her jurisdiction. So neither Virginia, nor all the fifteen slave States combined, can extend their slave laws one hair's breadth into the new Territories; and for the same reason,—the Territories are beyond their jurisdiction.

As to the argument that the Constitution of the United States recognises slavery, and that, upon the cession of new Territories, the Constitution, by some magical and incomprehensible elasticity, extends itself over them, and carries slavery into them, I think I speak with all due respect when I say it does not come up to the dignity of a sophism. Where do strict constructionists, or even latitudinarian constructionists, find any clause, or phrase, or word, which shows that the Constitution is any thing but a compact between *States*? Where do they find any thing that shows it to be a compact between territories, or between territories *and* States conjoined? On its very face, the Constitution meets this pretension with a denial. The preamble declares, "We the people of the United States"—not the people of the territories, nor the people of the States *and* territories—"in order to form a more perfect Union"—"do ordain and establish this Constitution for *the United States* of America." If the Constitution is a compact between the United States *and* the territories, then the people of the Territories have all the rights under it which the people of the States have,—the right to choose electors for President and Vice President, &c., to be represented in Congress by a member who can vote as well as speak. The only way in which the Constitution ever was extended, or ever can be extended over any part of the earth's surface outside of the "original thirteen" is this: The Constitution in express terms authorizes the admission of new States; and therefore, when a new State is admitted, it becomes one of these "United States of America." The Constitution does not extend over the Territories, but Congress being the creature of the Constitution, is, when legislating for the Territories, not only invested with constitutional powers, but is limited by constitutional restrictions.

It would have been a much more plausible pretension, when the purchase of Louisiana and Florida was made, that the Constitution carried freedom into those territories; because the Constitution was built upon the basis of the common law, and, in terms, adopts the common law for its legal processes and its rules of judicial interpretation; and every body knows that there is no principle more dear to the common law than that all treaties, statutes, and customs, shall be construed in favor of life and in favor of liberty.

Having, as I trust, refuted the argument of the slaveholder that the prohibition of slavery in the territories is an act of injustice to his rights, I will consider his next assertion, that it is an insult to his feelings. We are told that the exclusion of slavery from the Territories is an affront to the honorable sensibilities of the South; and that acquiescence in this exclusion would involve their dishonor and degradation.

There are two answers to this complaint. The first is that, among gentlemen, no insult is ever offered where none is intended. There may be heedlessness of conduct, there may be an unintentional wounding of sensibilities; but there can be no affront, where the design to affront is wanting. He is not a gentleman, but a poltroon and a braggart, who pretends he is insulted and proceeds to retaliate for the affront, when all insult and all affront are sincerely disclaimed. Now, it is infinitely far from the purpose of the North to offer any indignity to the South by excluding slavery from the Territories. Their hostility to slavery grows out of an honest allegiance to what they believe to be the highest moral and religious duty; it is fortified by the opinions of mankind; and is perfectly compatible with the most fraternal feelings towards the South. They wish to expostulate, in regard to the wrong, in such a way as to arrest the wrong, and not, by inflaming the wrong-doer, to increase the evil. However erroneous, then, their language or their sentiments may be, they are not affrontive or contumelious; and, when all such purpose is disavowed, those who aspire to stand on the footing of gentlemen cannot reiterate the charge.

But there is another consideration,—one which appertains to the party supposed to be insulted, rather than the party charged with the insult. In his "Theory of Moral Sentiments," Adam Smith maintains that it is the judgment of men,—the opinion of the bystanders,—that gives us the pleasure of being approved, or the pain of being disapproved, on account of our conduct. Now, in this contest between the North and the South, on the subject of extending slavery, who are the bystanders? They are the civilized nations of the earth. We, the North and the South, are contending in the arena. All civilized men stand around us. They are a ring of lookers-on. It is an august spectacle. It is a larger assemblage than ever witnessed any other struggle in the history of mankind; and their shouts of approbation or hisses of scorn are worthy of our heed. And what do these spectators say, in the alternations of the combat? Do they urge on the South to mightier efforts, to the wider spread of slavery, and the multiplication of its victims? Do they shout when she triumphs? When new chains are forged and riveted, when new realms are subdued by haughty taskmasters, and overrun by imbruted slaves, do their plaudits greet your ears and rouse you to more vehement efforts? All the reverse; totally the reverse. They are now looking on with disgust and abhorrence. They groan, they mock, they hiss. The brightest pages of their literature portray you as covered with badges of dishonor; their orators hold up your purposes as objects for the execration of mankind; their wits hurl the lightnings of satire at your leaders; their statute-books abound in laws in

which institutions like yours are branded as crimes; their moralists, from their high and serene seats of justice, arraign and condemn you; their theologians find your doom of retribution in the oracles of God. England has abolished slavery. France, in one fervid moment of liberty, struck the chains from off all her slaves, as the bonds of Paul and Silas were loosed in the inner prison by the mighty power of God. Sweden has abolished it. More than twenty years ago, impotent, half-civilized Mexico did the same. Tunis, a Barbary state, and, I might add, a barbarous state, has abolished slavery. Mahomedanism precedes Christianity, and sets it an example of virtue. Liberia, a republic of emancipated slaves, the very brothers and sisters of those whom you now hold in bondage, has been acknowledged as an independent sovereignty, and welcomed into the family of nations, by two of the most powerful governments on the globe. By this act, Freedom secures a new domain on the eastern continent, while you are striving to give a new domain to bondage on the western. A monarchy hails the advent of a free nation in Africa, where slavery existed before; a republic is seeking to create ten thousand absolute despotisms in America, where freedom existed before.

Now, these are the by-standers and lookers-on in this grand and awful contestation. They are all agreed, as one man, in their opinions about it. They are unitedly visiting your course with execration and anathema. There is not a nation on the globe that has a printing-press and a people that can read, from which you can extort one token of approval. I would agree to submit the question now at issue between the North and the South to the arbitrament of any people on the face of the earth not absolutely savage, and to abide its decision. Nay, the wild tribes of the Caucasus and of upper India, who have defended themselves so nobly against aggression, would spurn your claim and deride its pretexts. And yet you say you are insulted, dishonored, disgraced in the eyes of mankind, if you are not permitted to bring down upon our heads also the curses they are pouring upon yours. So far is this from truth, that if you would promptly and cheerfully consecrate the new Territories to freedom, every nation in the world would send their plaudits of your conduct to the skies.

But gentlemen of the South not only argue the question of right and of honor; they go further, and they tell us what they will proceed to do if we do not yield to their demands. A large majority of the southern Legislatures have solemnly "resolved" that if Congress prohibits slavery in the new Territories, they will resist the law "at any and at every hazard." And yet they say they do not mean to threaten us. They desire to abstain from all language of menace, for threats and menaces are beneath the character of gentlemen. Sir, what is the meaning of the terms "threats" and "menaces?" Mr. Troup, formerly Governor of Georgia, speaking of us upon this floor, and of others who resist the extension of slavery, calls each of us a "fanatic." He says it is only the dread of death that will stay our hands or stop our machinations; and then adds, "THAT DREAD YOU MUST PRESENT TO HIM IN A VISIBLE, PALPABLE FORM." "If," he says in another place, "the abolitionists resolve to force emancipation, or *to force dishonor upon the southern States by any act of Congress*, then it is my decided opinion that, with the military preparation here indicated, conjoined to a good volunteer instead of a militia system, THE STATE SHOULD MARCH UPON WASHINGTON AND DISSOLVE THE GOVERNMENT." The gentleman from North Carolina, (Mr. CLINGMAN,) forewarns us that if certain measures,—and they are legal and constitutional measures which he indicates,—are taken in order to carry on the business of legislation in this House, the House itself shall be the "Lexington" of a new revolution, and that "such a struggle would not leave a quorum to do business." I could occupy my hour in citing passages of a similar character from the southern press and from southern men. Now, if these are not threats,—threats most gross, flagrant, and offensive,—I know not the meaning of the word. Perhaps those who utter such sentiments are only practising an inversion of language equal to their inversion of ideas on this subject, and would call them "enticements;" like the sailor who said he was enticed to join a mutiny, and being asked what arts had been used to entice him, said that the ringleader sprang at him with a handspike, and swore if he did not join it he would knock out his brains.

And do those gentlemen who make these threats soberly consider how deeply they are pledging themselves and their constituents by them? Threats of dissolution, if executed, become rebellion and treason. The machinery of this Government is now moving onward in its majestic course. Custom-houses, post-offices, land-offices, army, navy, are fulfilling their prescribed circle of duties. They will continue to fulfil them until arrested by violence. Should the hand of violence be laid upon them, then will come that exigency expressly provided for in the Constitution and in the President's inaugural oath, "TO TAKE CARE THAT THE LAWS BE FAITHFULLY EXECUTED." Mr. Chairman, such collision would be *war*. Such forcible opposition to the Government would be *treason*. Its agents and abettors would be *traitors*. Wherever this rebellion rears its crest, martial law will be proclaimed; and those found with hostile arms in their hands must prepare for the felon's doom.

Sir, I cannot contemplate this spectacle without a thrill of horror. If the two sections of this country ever marshal themselves against each other, and their squadrons rush to the conflict, it will be a war carried on by such powers of intellect, animated by such vehemence of passion, and sustained by such an abundance of resources, as the world has never before known. "Ten foreign wars," it has been well said, "are a luxury compared with one civil war." But I turn from this scene with a shudder. If, in the retributive providence of God, the volcano of civil war should ever burst upon us, it will be amid thunderings above and earthquakes below, and darkness around; and when that darkness is lifted up, we shall see this once glorious Union,—this oneness of government, under which we have been prospered and blessed as Heaven never prospered and blessed any other people,—rifted in twain from east to west, with a gulf between us wide and profound, save that this gulf will be filled and heaped high with the slaughtered bodies of our countrymen; and when we reawaken to consciousness, we shall behold the garments and the hands of the survivors red with fratricidal blood.

And what is the object for which we are willing to make this awful sacrifice? Is it to redeem a realm to freedom? No! But to subjugate a realm to slavery. Is it to defend the rights of man? No! But to abolish the rights of man!

Mr. BOWDON. Does not the gentleman think that such a picture as he has drawn would induce the North to yield a portion of the new Territories to the institution of slavery?

Mr. MANN. I trust that no pictures *and no realities* will ever induce us to extend slavery beyond

its present limits. Beyond these limits, "No more slave Territories, no more slave States," is the doctrine by which I, for one, shall live and die.

Now, sir, as this event of a dissolution of the Union is so frequently forced upon our contemplation, I propose to occupy the residue of my hour in considering some of its more obvious consequences. Southern papers and southern resolution-writers have a favorite phrase, that if Congress shall pass any law against the extension of slavery, they will resist it "at any and at every hazard." Let us inquire, soberly, what a few of these hazards are.

First, as to the recovery, or non-recovery, of fugitive slaves, which is one of the alleged provocatives of dissolution. Take a map of the southern States and spread it out before you. Although they cover an area of about nine hundred thousand square miles, yet it is a very remarkable fact, that only an insignificantly small portion of this vast extent lies more than two hundred and fifty miles from a free frontier; and those parts which do lie beyond this distance hold but few slaves. Those portions of North Carolina, South Carolina, Georgia, Alabama, and Tennessee, where their upper boundaries converge among the mountains, are a little more than this distance from a free border; but this territory is relatively insignificant in size, and sparsely populated with slaves. An outside belt or border-region of the slave States, no part of which shall be more than one hundred miles from a free frontier, would embrace nearly one-half of their whole area; and, as I suppose, much more than one-half of their whole slave population. What is to prevent the easy escape of slaves living within these limits? While God sends nights upon the earth, nothing can prevent it. I venture to predict, that in such a state of things, slaves will become cheap, and horses will become dear. I am aware of your laws, which forbid slaves to cross bridges or ferries, without a pass; but you can have no law against seasons of low water. The old adage says "riches have wings." You will find that these riches have legs. The Mississippi and Ohio rivers, where they border upon free States, will be alive as with shoals of porpoises. Remember, there is no Constitution of the United States now. That you have broken. The free States are therefore absolved from all obligation to surrender fugitives. The law of 1793 is also at an end. No action can be maintained for aiding them to escape, or for harboring or concealing them. The distinguished Senator from Kentucky said, in his late speech, that no instance had ever come to his knowledge where an action for harboring runaways had not been maintained in the courts of the free States and damages recovered. But this remedy you will have annulled. The Constitution of the United States, and the law of 1793 being at an end, the law of nature revives. By this law, every case of an escaping slave is but *the self-recovery of stolen goods*. When they cross the line into a free State, they are free,—as free as you or I. The States being separated, I would as soon return my own brother or sister into bondage, as I would return a fugitive slave. Before God, and Christ, and all Christian men, they are my brothers and sisters. As our laws make it piracy to kidnap slaves in Africa, or to ship them thence, so it shall be a felony, punishable with death, for any southern master to kidnap a colored man, in a free State, or transport him from it, on the ground of alleged ownership. You are fond of quoting Scripture to us, in justification of slavery. We will retort the Scripture, that "he that stealeth a man, and selleth him; or *if he be found in his hand*, he shall surely be put to death."

Here, then, is a free land frontier of about two thousand miles, and a free ocean frontier of about twenty-five hundred miles, and more than one-half of all your slaves are within two days' run of it. More than one-quarter of them are within one night's run of it. Thousands and tens of thousands can escape, even while you are dining. Canada, now so distant, is brought five hundred miles nearer. The under-ground railroad will be abandoned, and its stock so invested as to yield quicker returns. What facilities for escape, too, will the ocean present. Fleets of vessels are constantly passing and repassing within a few hours' sail of the coast. The day for the power and the triumph of those whom you hate as abolitionists will have arrived. Steamboats could lie out of sight of land in the day-time, run in at night, and be out of sight again before the rising of the sun. To guard twenty-five hundred miles of coast is impossible. If you declare war, in order to avenge your losses, then that war makes your coast lawfully accessible both by day and by night, and multiplies a hundred fold the opportunities and facilities for this self-recovery of stolen goods.

I know it is said that some of the northern States are averse to the reception of blacks. Let us analyze this idea. There are now by estimation three millions of slaves. Say one half of these are either too old or too young to have the strength or the intelligence to escape. A million and a half are left; five hundred thousand of these will have attachments to their own parents or children, or to their masters, too strong to be broken; or they may be so degraded as to be contented with bondage; for their contentment is always one of the measures of their degradation. This would leave a million for fugitives, consisting wholly of the most able-bodied and intelligent. The northern States comprise a territory of five hundred thousand square miles. A million of escaped slaves would give but two to a square mile, and this surely would not be a formidable number, even where colorphobia is strongest. Suppose the case of a family of fourteen slaves,—two grandparents, too decrepit for labor, six athletic sons or daughters, and six grandchildren. What but affection should prevent the able-bodied and the profitable from escaping, and leaving the aged and the young on their masters' hands? Affection, indeed, would bind the parents to their children, but they know too well how often this bond is remorselessly broken by the master; and, besides, an enlightened affection would look to future children and their posterity forever, as well as to those they already have.

Will you make your laws horribly penal, in order to deter slaves from escaping, by fear? Will you mutilate them, or scourge them till within a minute of death? Do so. All such punishments not only nourish the love of freedom, but breed the purpose of revenge; and it is a kind of lesson which a brutalized nature is always prone to retaliate with improvements. Will you make the act of escape a capital offence in a slave, and destroy the victim you cannot restrain? Do so. Though you may inflict death in a paroxysm of wrath, yet of all your penal dispensations, it is the most merciful. It not only releases the slave himself, but is a prospective and perpetual amnesty,—a true act of oblivion,—for all his descendants. But this extremity of punishment is not likely to be resorted to. In looking over the criminal codes of the slave States, I think I have noted cases where the slave is not punished with death for an offence for which a white man is. The *value* moderates the vengeance. There are not many, who, like Cleopatra,

can afford to dissolve a pearl in the cup of revenge, and swallow it at a draught, when that pearl will command five hundred or a thousand dollars in the market-place.

Southern gentlemen, when they threaten disunion, cannot surely be so much at fault as to forget that slavery exists here as it never existed in any other part of the world. In Greece there were slaves; in some cases, highly intelligent and accomplished slaves. They could have escaped if they would; but where should they escape to? All conterminous nations,—the whole circle round,—were barbarians. Their slaves, therefore, had no place to flee to, where better institutions and juster laws prevailed. So it was with Rome. Whither could her slaves fly, but to barbarous Spain, or more barbarous Gaul, or to some nation whose language they did not understand. Ignorance of language is a more insuperable barrier than mountains or oceans. It is just the reverse here. The English language is spoken on all sides; and our slave land is encircled by free land, or free ocean,—Jamaica, the Bermudas, and two thousand miles of northern frontier. And I have lately seen an estimate from a credible source, that if an inter oceanic canal should be opened across the Isthmus of Darien, twelve hundred ships would annually pass through it; and, as they sail to and fro, they will skirt the whole of your Gulf coast, and the whole of your Atlantic coast, a great part of the voyage being within sight, or within a day's sail of your shores. Now, the ignorant slave knows little of geography, but he would know of these avenues to freedom, and nothing but death could extinguish such knowledge and the hopes it would inspire. I say, sir, under such circumstances, slavery would melt away upon your borders like an iceberg in the tropics. The particles, that is, the individuals of the exposed surface, would disappear; and you might as well attempt to stop solar evaporation by statutory laws, as to prevent their escape. Perhaps a dissolution of the Union is the means foreordained by God for the extinction of slavery; and did I not foresee its doom before any very long period shall have elapsed, without the unspeakable horrors of a civil and a servile war, I cannot say to what conclusions the above considerations would lead my own mind.

Having shown how the "*redress*" of disunion will operate upon one of the grievances alleged as its motive and excuse, let us look at another of those "hazards," whose list of indefinite length the South is so willing to brave. In case of rebellion or secession, to whom will the territories belong? It is the rule of political as well as of municipal law, that whoever retires from a community leaves its common property behind him. I have a direct interest and proprietorship in the church in my parish, in the schoolhouse in my town, and in the state-house and other public property belonging to my State. But if I expatriate myself, I leave all that interest and proprietorship behind me. If the county of Brooke, in Virginia, should secede from the State of Virginia, and should annex itself to Ohio or Pennsylvania, no one doubts that it would forfeit all its rights to whatever public property the State of Virginia possesses. In like manner, if the "*United States South*," as the new confederacy has already been named by the Richmond *Enquirer*, should secede, they would, by the very act of secession, surrender and abandon all right, title, and interest, in the new Territories. By such secession, all their citizens become foreigners. They have no rights under the treaty with Mexico. The new Spanish citizen, whose allegiance was transferred by the treaty with Mexico, and whose citizenship is not yet two years old, would have a right to expel them. The "United States South," it is true, may declare war and attempt the conquest of the Territories by force; but in such a contest, the army, and navy, and military stores of the Government, which, also, they have lost by secession, will be turned against them. But, I venture to prophesy, that if the slave States shall pass through one war, single-handed, they will afterwards be the most peaceable nation the world ever saw. To every frontier country, and to every naval power, they have given three millions of hostages for their good behavior.

Let us look at a third grievance they mean to redress, and a third "hazard" they are ready to encounter. They complain of northern agitation on the subject of slavery, and northern instigation of the slaves themselves. On the subject of "agitation," I deny that the North has ever overstepped the limits of their constitutional rights. They have never agitated the question of slavery in the States. It has been only in regard to slavery in this District, or the annexation of Texas, or the acquisition of territory for the extension of slavery, or the imprisonment of her own citizens in southern ports, or a denial of the inviolable right of petition;—it has been only on such subjects that the North has lifetd up the voice of expostulation and remonstrance. Even these constitutional rights she has used forbearingly. She has never exerted force, nor threatened force, either to maintain the right of petition or to liberate her own citizens imprisoned in southern jails.

In regard to instigating slaves to escape, I acknowledge there have been some instances of it; but they have been few. The perpetrators have been tried and severely punished, and the North has acquiesced; for they acknowledge that, if a man will go into a slave State and violate its laws, he must be judged by them. But I have never known of a single case,—I believe there is no well-authenticated case on record,—where a northern man has instigated the slaves to rise in rebellion, and to retaliate upon their masters for the wrongs which they and their race have suffered. As I dread indiscriminate massacre and conflagration, I should abhor the perpetrator of such a crime. But will separation bring relief or security? No, sir; it will enhance the danger a myriad fold. Thousands will start up, who will think it as much a duty and an honor to assist the slaves in any contest with their masters, as to assist Greeks, or Poles, or Hungarians, in resisting their tyrants. Two things exist at the North which the South does not duly appreciate,—the depth and intensity of our abhorrence of slavery, and that reverence for the law which keeps it in check. The latter counterpoises the former. We are a law-abiding people. But release us from our obligations, tear off from the bond with your own hands the signatures which bind our consciences and repress our feelings, destroy those compensations which the world and which posterity would derive from this Union, and well may you tremble for the result. I have seen fugitive slaves at the North, and heard from their own lips the dreadful recital of their wrongs; and if I am any judge of the natural language of men; if I can divine from the outward expression what passions are burning within; each one of them had a hundred conflagrations and a hundred massacres in his bosom. They felt as you and I should feel if we had been subjected to Algerine bondage. And do you doubt, sir; does any southern gentleman on this floor doubt, for one moment; that if he were seized by a Barbary corsair and sold into Algerine

bondage, and carried a hundred miles into the interior, that he would improve the first opportunity to escape, though at every step in his flight he should crush out a human life, and should leave an ever widening expanse of conflagration behind him? If agitation and instigation are evils now, woe to those who would seek to mitigate or to repress them by the remedies of disunion and civil war. Let men who live in a powder-mill beware how they madden pyrotechnists.

But it is said that if dissolution occurs, the "United States South" can form an alliance with Great Britain. And are there no instigators and abolitionists in England? Yes, sir,—ten in England where there is one at the North. Frederick Douglas has just returned from England, where he has enjoyed the honors of an ovation. William Wells Brown, another fugitive slave, is now travelling in England. His journeys from place to place are like the "Progresses" of one of the magnates of that land,—passing wherever he will with free tickets, and enjoying the hospitalities of the most refined and educated men. The very last steamer brought out an account of his public reception at Newcastle. An entertainment was given him, which was attended by four hundred ladies and gentlemen. Men of high distinction and character adorned it by their presence. The ladies made up a purse of twenty sovereigns, which they gave him. It was presented in a beautiful purse, that one of their number,—the successful competitor for the honor,—had wrought with her own hands. All their generosity and kindness they considered as repaid by hearing from his own lips the pathetic story of his captivity, and the heroism of his escape. Sir, every man who has travelled in England knows that there are large, wealthy, and refined circles there, no member of whom would allow a slaveholder to sit at their table or enter their doors. Not only churches, but moral and religious men, the world over, have begun to read slaveholders out of their communion and companionship. If the South expects to rid itself of agitation and abolitionism by rupturing its bonds with the North, and substituting an alliance with Great Britain for our present Constitution, they may envy the wisdom of the geese who invited the fox to stand sentinel over them while they slept. Northern interference will increase a hundred fold; and the whole power and wealth of British abolitionism, not only founded on moral principle, but nursed by national pride, will be brought to bear directly upon them.

I said that the slave does not know much of geography; but he understands enough of it to know where lies the free frontier. The slave does not know much of astronomy; but there is one star in the firmament which is dearer to him than all the heavenly host were to the Chaldeans. He worships the North star with more than Persian idolatry. But let the South form commercial alliances with Great Britain; let the carrying trade be carried on in British vessels; and the slave will find a star in the East as beautiful to his eye, and as inspiring to his hopes, as the star in the North.

Is the case of the *Amistad* forgotten, where a few ignorant, degraded wretches, fresh from the jungles of benighted Africa herself, seized upon the vessel in which they were transported, and compelled the master, under peril of his life, to steer for the North star,—that light which God kindled in the heavens, and which he will as soon extinguish as he will extinguish the love of liberty which he has kindled in every human breast?

And will a slave, escaping to Great Britain, or to any of her colonial possessions, be reclaimable? Examine Somersett's case for an answer. No, sir. Neither the third clause of the second section of the fourth article of the Constitution, nor the law of 1793, will ever be extended over the Three Kingdoms or their dependencies.

It surely is not beneath the dignity of the place or the occasion to look at another of those "hazards" which the South are invoking. They are proud of their past history, and I doubt not their reflecting and patriotic men are at least reasonably solicitous of their future fame. When they meet in august council to inaugurate the great event of establishing an independent confederacy of slave States, and of dissolving the political bands which now connect them with us, "a decent respect to the opinions of mankind" will "require them to declare the causes which had impelled them to the separation." And will they find a model for their manifesto in that glorious Declaration of American Independence which their own immortal Jefferson prepared, and to which many of the greatest of all their historic names are subscribed? Alas, they will have to read that Declaration, as the devil reads Scripture,—backwards! I know not what may be the rhetorical terms and phrases of the new Declaration; but I do know that its *historic* form and substance cannot be widely different from this:

"We hold these truths to be self-evident, that men are not created equal; that they are not endowed by their Creator with inalienable rights; that white men, of the Anglo-Saxon race, were born to rob, and tyrannize, and enjoy; and black men, of the African race, to labor, and suffer, and obey; that a man with a drop of African blood in his veins has no political rights, and therefore shall never vote; that he has no pecuniary rights, and, therefore, whatever he shall earn or receive, belongs to his master; that he has no judicial rights, and therefore he shall never be heard as a witness, to redress wrong, or violence, or robbery, committed by white men upon him; that he has no parental rights, and therefore his children may be torn from his bosom, at the pleasure or caprice of his owner; that he has no marital rights, and therefore his wife may be lawfully sold away into distant bondage, or violated before his eyes; that he has no rights of mind or of conscience, and therefore he shall never be allowed to read or to think, and all his aspirations for improvement shall be extinguished; that he has no religious rights, and therefore he shall never read the Bible; that he has no heaven-descended, God-given rights of freedom, and therefore he and his posterity shall be slaves forever; we hold that governments were instituted among men to secure and fortify this ascendancy of one race over another; that this ascendancy has its foundation in force ratified by law, and in ignorance and debasement inflicted by intelligence and superiority; and when any people, with whom we have been politically associated, would debar us from propagating our doctrines or extending our domination into new realms and over free territories, it becomes our duty to separate from them, and to hold them, as we hold the rest of mankind, friends when they make slaves, enemies when they make freemen."

I say, sir, of whatever words and phrases the southern "Magna Charta" may consist, this, or something like this, must be its substance and reality.

So the preamble to their constitution must run in this wise: "We, the people of the 'United States South,' in order to form a more perfect conspiracy against the rights of the African race, establish injustice, insure domestic slavery, provide for holding three millions of our fellow-beings, with all the countless millions of their posterity, in bondage, and to secure to ourselves and our posterity the enjoyment of power and luxury and

sloth, do ordain and establish this constitution for the 'United States South.'"

Sir, if a civil war should ensue between the North and the South, (which may God, in his mercy, avert,) in consequence of an attempt to dissolve this Union, and the certain resistance which would be made to such an attempt, it would be difficult to exaggerate the immediate evils which would befall the interests of New England and some other parts of the North. Our manufactures and our commerce would suffer at least a temporary derangement. But we have boundless resources in our enterprise and our intelligence. Knowledge and industry are recuperative energies that can never long be balked in their quest of prosperity. The people that bore the embargo of 1807, and the war of 1812, when all their capital was embarked in commerce, can survive any change that does not stop the revolution of the seasons or suspend the great laws of nature. And, when the day of peace again returns, business will return to its old channels. The South, notwithstanding any personal hostility, will be as ready to take northern gold as though it had come from the English mint; and they will employ those first, who will do their manufacturing or their commercial labor cheapest and best. Gold is a great pacificator between nations; and, in this money-loving age, mutual interests will, in the end, subdue mutual hostilities. Our share, therefore, of the calamities of a civil war, will be mainly of a pecuniary nature. They will not be intolerable. They will invade none of the securities of home; they will not associate poison with our daily food, nor murder and conflagration with our nightly repose; nor black violation with the sanctities of our daughters and our wives.

Even in a pecuniary point of view, a dissolution of our political ties would cause less immediate and intense suffering at the North than at the South. Our laws and institutions are all framed so as to encourage the poor man, and, by education, to elevate his children above the condition of their parents; but their laws and institutions all tend to aggrandize the rich and to perpetuate power in their hands. Were it not for the visions of horror and of bloodshed which southern threats have so intimately associated with this controversy, one remarkable feature, which has hitherto been eclipsed, would have been most conspicuous. With every philanthropic northern man a collateral motive for keeping the new Territories free, is, that they may be a land of hope and of promise to the poor man, to whichever of all our States he may belong, where he may go and find a home and a homestead and abundance. But the South, in attempting to open these Territories to slaveholders, would give them to the rich alone,—would give them to less than three hundred thousand persons, out of a population of six millions. The interests of the poorer classes at the South all demand free territory, where they can go and rise at once to an equality with their fellow-citizens, which they never can do at home. They are natural abolitionists, and unless blinded by ignorance, or overawed by their social superiors, they will so declare themselves. Every intelligent and virtue-loving wife or mother at the South, when she thinks of her husband and her sons, is forced to be an abolitionist. The attempt, therefore, to subject the new Territories to the law of slavery is not made in the name of one half of the people of the United States; it is not made for the six millions, more or less, who inhabit the slave States; but it is made for less than three hundred thousand slaveholders among more than twenty millions of people.

There is one other "hazard," sir, which the South invokes and defies, which, to her high-minded and honor-loving sons, should be more formidable than all the rest. She is defying the Spirit of the Age. She is not only defying the judgment of contemporaries, but invoking upon herself the execrations of posterity. Mark the progress in the public sentiment of Christendom within the last few centuries on the subject of slavery and the rights of man. After the discovery of this continent by Columbus, the ecclesiastics of Spain held councils to discuss the question, whether the aborigines of this country had or had not souls to be saved. They left this question undecided; but they said, as it was possible that the nations of the New World might have an immortal spirit, they would send them the Gospel so as to be on the safe side; and the mission of Las Casas was the result. In the time of Lord Coke, only a little more than two centuries ago, the doctrine was openly avowed and held, in Westminster Hall, that the heathen had no rights; and therefore that it was lawful for Christians to drive them out of their inheritance, and to despoil them, as the Jews despoiled the Egyptians and drove out the Canaanites. During the seventeenth century, all the commercial nations of Europe engaged in the African slave trade, without compunction or reproach. In the last, or eighteenth century, the horrors of that trade were aggravated and blackened by such demoniacal atrocities, as, were it not for some redeeming attributes among men, would have made the human race immortally hateful. Even when our own constitution was formed, in 1787, this dreadful traffic was not only sanctioned, but a solemn compact was entered into, by which all prohibition of it was prohibited for twenty years. Yet, in the year 1820, after the lapse of only thirty-three years, this very trade was declared to be piracy,—the highest offence known to the law,—and the felon's death was denounced against all principals and abettors. We are often reminded by gentlemen of the South, that, at the time of the adoption of that Constitution, slavery existed in almost every State in the Union; and that some northern merchants, by a devilish alchemy, transmuted gold from its tears and blood. But can they read no lesson as to the progress of the age from the fact that all those States have since abjured slavery of their own free will; and that, at the present day, it would be more tolerable for any northern merchant, rather than to be reasonably suspected of the guilt of this traffic, to be cast into the fiery furnace of Nebuchadnezzar, seven times heated. In Europe, the tide of liberty, though meeting with obstructions from firm-seated dynasties and time-strengthened prerogative, still rises, and sweeps onward with unebbing flow. In France, revolutions follow each other in quicker and quicker succession. These revolutions are only gigantic struggles of the popular will to escape from oppression; and, at each struggle, the giant snaps a chain.

Great Britain, which in former times sent more vessels to the coast of Africa to kidnap and to transport its natives than all the other nations of the earth together, now maintains a fleet upon that same coast to suppress the trade she so lately encouraged. Three times, during the present century, has that government escaped civil commotion by making large concessions to popular rights. Since the year 1814, written constitutions have been extorted by the people from more than three-fourths of all the sovereigns of Europe. What a tempest now beats upon Austria, from all points of the compass, because, during the last season, she attempted only to half-enslave the Hungarians,—because she attempted to do what, during the last

century, she might have done without a remonstrance. The rights of individuals, not less than the rights of communities, have emerged from oblivion into recognition, and have become law. Penal codes have been ameliorated and barbarous customs abolished. There are now but two places on the globe where a woman can be publicly whipped,—in Hungary and in the southern States! And the universal scorn and hissing with which the rulers of the former country have been visited for their women-whipping, and their execution of those whose sole crime was their love of freedom, only foretokens that fiercer scorn and louder hissing with which, from all sides of the civilized world, the latter will soon be visited. Let the high-toned and chivalrous sons of the South,—those "who feel a stain upon their honor like a wound,"—think of all this, as one in the long catalogue of "hazards" upon which they are rushing.

Sir, the leading minds in a community are mainly responsible for the fortunes of that community. Under God, the men of education, of talent, and of attainment, turn the tides of human affairs. Where great social distinctions exist, the intelligence and the wealth of a few stimulate or suppress the volition of the masses. They are the sensorium of the body politic, and their social inferiors are the mighty limbs which, for good or for evil, they wield. Such is the relation in which the three hundred thousand, or less than three hundred thousand slave-owners of the South, hold to their fellow-citizens. They can light the torch of civil war, or they can quench it. But if civil war once blazes forth, it is not given to mortal wisdom to extinguish or control it. It comes under other and mightier laws, under other and mightier agencies. Human passions feed the combustion; and the flame which the breath of a man has kindled, the passions of the multitude,—stronger than the breath of the hurricane,—will spread. Among these passions, one of the strongest and boldest is the love of liberty, which dwells in every bosom. In the educated and civilized, this love of liberty is a regulated but paramount desire; in the ignorant and debased, it is a wild, vehement instinct. It is an indestructible part of the nature of man. Weakened it may be, but it cannot be destroyed. It is a thread of asbestos in the web of the soul, which all the fires of oppression cannot consume.

With the creation of every human being, God creates this love of liberty anew. The slave shares it with his master, and it has descended into his bosom from the same high source. Whether dormant or wakeful, it only awaits an opportunity to become the mastering impulse of the soul. Civil war is that opportunity. Under oppression, it bides its time. Civil war is the fulness of time. It is literal truth that the South fosters within its homes three millions of latent rebellions. Imbedded in a material spontaneously combustible, it laughs at fire. Has it any barriers to keep the spirit of liberty, which has electrified the old world, from crossing its own borders, and quickening its bondmen into mutinous life?—not all of them; but one in ten thousand, one in a hundred thousand of them. If there is no Spartacus among them, with his lofty heroism, and his masterly skill for attack and defence, is the race of Nat Turners extinct, who, in their religious musings, and their dumb melancholy, take the impulses of their own passions for the inspiration of God, and, after prayer and the eucharist, proceed to massacre and conflagration? In ignorant and imbruted minds, a thousand motives work, which we cannot divine. A thousand excitements madden them, which we cannot control. It may be a text of Scripture, it may be the contents of a wine-vault; but the result will be the same,—havoc wherever there is wealth, murder wherever there is life, violation wherever there is chastity. Let but this wild-fire of a servile insurrection break out in but one place in a State; nay, in but ten places, or in five places, in all the fifteen States; and then, in all their length and breadth, there will be no more quiet sleep. Not Macbeth, but the Angel of Retribution will "murder sleep." The mother will clasp her infant to her breast, and, while she clasps it, die a double death. But, where will the slaves find arms? "*Furor arma ministrat.*" Rage will supply their weapons. Read the history of those slaves who have escaped from bondage; mark their endurance and their contrivance, and let incredulity cease forever. They have hid themselves under coverts, dug holes and burrowed in the earth for concealment, sunk themselves in ponds, and sustained life by breathing through a reed, until their pursuers had passed by; crushed themselves into boxes, but of half a coffin's dimensions, to be nailed up and transported hundreds of miles; as merchandise; and, in this horrible condition, have endured hunger and thirst, and standing upon the head, without a groan or a sigh; have wandered abroad, almost fasting for forty days and forty nights, like Christ in the wilderness;—and, will men who devise such things, and endure such things, be balked in their purposes of hope and of revenge, when the angel of destruction, in the form of the angel of liberty descends into their breasts?

The state of slavery is always a state of war. In its deepest tranquillity, it is but a truce. Active hostilities are liable at any hour to be resumed. Civil war between the North and the South,—any thing that brings the quickening idea of freedom home to the mind of the slave, that supplies him with facilities of escape, or immunities for revenge,—will unleash the bloodhounds of insurrection. Can you muster armies in secret, and march them in secret, so that the slave shall not know that they are mustered and marched to perpetuate his bondage, and to extend the bondage of his race? Was not Major Dade's whole command supposed to be massacred through the treachery of a slave? A foray within your borders places you in such a relation to the slave that you are helpless without him, and in danger of assassination with him. He that defends slavery by war, wars against the eternal laws of God, and rushes upon the thick bosses of Jehovah's buckler. Such are some of the "hazards" which the leaders of public opinion at the South, the legislators and guides of men in this dark and perilous hour, are invoking upon themselves and their fellows; not for the interests of the whole, but for the fancied interests of the slaveholders alone, and against the real interests of a vast majority of the people. May God give that wisdom to the followers which he seems not yet to have imparted to the leaders.

Sir, in these remarks, I have studiously abstained from every thing that seemed to me like retaliation or unkindness. I certainly have suffered no purposed word of crimination to pass my lips. If I have uttered severe truths, I have not sought for severe language in which to clothe them. What I have said, I have said as to a brother sleeping on the brink of a precipice, where one motion of his troubled sleeping, or of his bewildered awaking, might plunge him into remediless ruin.

In conclusion, I have only to add, that such is my solemn and abiding conviction of the character of slavery, that, under a full sense of my responsibility to my country and my God, I deliberately say,

better disunion,—better a civil or a servile war,—better any thing that God in his providence shall send, than an extension of the bounds of slavery.

Upon the close of Mr. MANN's remarks,

Mr. BURT, of South Carolina, rose and said that he had not interrupted the gentleman from Massachusetts during his speech, but he presumed he did not wish to have any error go forth under the sanction of his name; and he therefore called upon him to retract what he had said in regard to slaves ever being exempted from capital punishment for crimes for which the whites were executed. He called upon him also to withdraw the imputation that the pecuniary value of the slave was a motive for any such difference in the laws respecting them. He remarked that, by the laws of the Southern States, such a distinction is not made. I know, (said he,) no instance in which it exists. On the contrary, slaves are punished capitally for offences that are not so punished when committed by white men. In South Carolina, slaves have never been admitted to the benefit of clergy for offences at common law; and thus a slave is punished capitally for maiming or grievously beating a white man. Mr. BURT was also understood to say that there were "six or eight," or "eight or ten," offences in South Carolina for which slaves were punished capitally, but for which white men were not.

Mr. MANN replied that he had stated what he believed to be true; but if he had fallen into any mistake he should be most happy to be corrected. He was assured also by the gentleman from Georgia, on his left, (Mr. TOOMBS,) that no such distinction existed as he had supposed; and it was but reasonable to believe that those gentlemen were more conversant with the southern laws than himself.

Mr. MANN added that he (Mr. MANN) could not be expected to have the statute books of the southern States before him, at that time, to meet so unexpected a denial. Neither could he be expected by any honorable gentleman to make a retraction until he had time to see whether the ground he had taken were tenable.

[*Note by* Mr. MANN.]—On repairing to the Law Library, to ascertain which party was right, in regard to the above difference of opinion, the second book I opened contained at least three cases, where the courts were authorized to sentence a slave to be transported for the commission of an offence, for which a white man must be unconditionally hung. See North Carolina Rev. Stat., vol. I., chap. 111, §§ 36, 37, 39. Of course, the reason of this difference is the pecuniary value of the slave. Hung, he would be worthless; transported to Cuba, he might bring five hundred dollars.

The law was formerly so in Mr. BURT's own State. In the seventh volume of the Statutes at Large of South Carolina, No. 344, §5, I find the following: "And *whereas*, it has been found by experience that the executing of several negroes for felonies of a smaller nature, by which they have been condemned to die, have been of great charge and expense to the public, and will continue, (if some remedy be not found,) to be very chargeable and burdensome to this province; *Be it therefore enacted*, by the authority aforesaid, that all negroes or other slaves who shall be convicted and found guilty of any capital crime, (murder excepted,) for which they used to receive sentence of death, as the law directs, shall be transported from this province, by the public receiver for the time being, to any other of his majesty's plantations, or other foreign part, where he shall think fitting to send them, *for the use of the public*."

The slave condemned to transportation was to be appraised and his master paid out of the public treasury, and this amount was, of course, to be reimbursed by what should be received from the foreign sale. From the statement of Mr. BURT, that no such law *now* exists in South Carolina, I suppose the above enactment must have been repealed.

The *fact* stated in my speech is therefore proved, although the instances may be fewer than I had supposed. As to the motive attributed there can be no doubt. The cases are most numerous in the southern States, where white men are merely *imprisoned* for offences for which slaves are whipped, branded, and cropped, or otherwise corporally punished. The slave's time is too valuable to be lost in a prison, but the white man's is not; the white man's skin is too sacred to be flayed or branded, but the slave's is not.

But laws which punish "six or eight," or "eight or ten," or any other number of offences with death, when committed by slaves, while the same offences receive a milder penalty when committed by whites; or laws denying the benefit of clergy, (where that relic of barbarism still prevails,) to a slave, while it is granted to a white man, are surely among the greatest atrocities recorded in the history of the race. Ponder for a moment upon the accursed fact. A freeman acting under all the motives to self-respect; moved by all the incentives to good conduct; enjoying all the means of education; inspired by all the influences of the Gospel; and capable of comprehending all the powerful restraints and the sublime rewards connected with a hereafter, *exonerated* from the punishment of death; while death, in all the horrors with which ignorance and superstition can invest it, is inflicted upon men who are subjected to bondage; deprived of all motive for honorable conduct; barred out from every avenue to knowledge by cruel penalties; blinded to the light of the Gospel; and, in a land of boasted Christianity, left in the darkness of heathenism! These are not the customs of a lawless banditti, of outcasts or renegades, but solemn enactments of State legislatures, devised by talent and eminence, enforced and preserved by the oligarchical few, by the virtual nobility and flower of populous communities. Such laws demand a return of five talents, under penalty of death, where only one talent had been confided; they absolve him who had received five talents, though he brings none of them back. Such laws make the Scriptures read, that the servant who knoweth his lord's will, but doeth it not, shall be beaten with but few stripes; but the servant who did not know it, whom his very master debarred from knowing it, shall be beaten with many stripes; for unto whomsoever much is given, but little shall be required; but to whom men have committed much, of him little shall be asked. What shall be thought of a system, AND OF EXTENDING A SYSTEM, which so perverts the hearts of men, otherwise clear-headed, high-minded and generous!

What more fitting theme could be conceived, were the arch-enemy of mankind to compose a *burlesque*, in ridicule of *Republics*, to be represented in that Theatre which is all "*Pit*?"

It is not, however, the *existence* of slavery, but its *extension*, we now intend to avert.

HORACE MANN'S LETTERS

ON

THE EXTENSION OF SLAVERY

INTO

CALIFORNIA AND NEW MEXICO;

AND ON

THE DUTY OF CONGRESS TO PROVIDE THE TRIAL BY JURY FOR ALLEGED FUGITIVE SLAVES.

[REPUBLISHED WITH NOTES.]

LETTER I.

WEST NEWTON, *May* 3, 1850.

To the Hon. James Richardson, I. Cleveland, and John Gardner, of Dedham; Hon. D. A. Simmons, John J. Clarke, Francis Hilliard, and George R. Russell, of Roxbury, &c., &c.

GENTLEMEN: Having been called home on account of sickness in my family, I have just received, at this place, your kind invitation to meet and address my constituents of the 8th Congressional District, and to give them my "*views and opinions upon the question of the immediate admission of California, and other questions now before Congress arising out of the acquisition of territory by the treaty with Mexico.*"

A request from so high a source has almost the force of a command. Yet I dare not promise to comply. I am liable at any moment to be recalled, and, instead of speaking here, to vote there, upon the question to which you refer. I might be summoned to return on the day appointed for us to meet. The only alternative, therefore, which is left me, is to address you by letter. This I will do, if I can find time. I shall thus comply with your request, in substance, if not in form.

On many accounts, I have the extremest reluctance to appear before the public on the present occasion. My views, on some vital questions, differ most materially from those of gentlemen for whom I have felt the profoundest respect; and for some of whom I cherish the strongest personal attachment. But I feel, on the other hand, that my constituents, having intrusted to me some of their most precious interests, are entitled to know my "views and opinions" respecting the hopes and the dangers that encompass them. I shall not, therefore, take the responsibility of declining.

I will premise further, that my relations to political parties, for many years past, have left me as free from all partisan bias "as the lot of humanity will admit." For twelve years I held an office whose duties required me to abstain from all active coöperation in political conflicts; and that duty was so religiously fulfilled, that, to my knowledge, I was never charged with its violation. During the Presidential contest of 1848, those obligations of neutrality still rested upon me. For a year afterwards, I was not called upon to do any official act displeasing to any party amongst us. This interval I employed in forming the best opinion I could of public men and measures, and their influence upon the moral and industrial interests of the country. I had long entertained most decided convictions in favor of protecting American labor, in favor of cheap postage, and of security to the lives and property of our fellow-citizens engaged in commerce. But a new question had arisen,—the great question of freedom or slavery in our recently acquired territories,—and this question I deemed, for the time being, to be, though not exclusive of others, yet paramount to them. Or rather, I saw that nothing could be so favorable to all the last-named interests, as the proper adjustment of the first. He who would provide for the welfare of mankind must first provide for their liberty.

Sympathizing, then, on different points with different parties, but exclusively bound to none, I stood, in reference to the great question of territorial freedom or slavery, in the position of the *true* mother in the litigation before Solomon, preferring that the object of my love should be spared in the hands of any one, rather than perish in my own.

Our present difficulties, which, as you well know, have arrested the gaze of the nation, and almost suspended the legislative functions of Congress, pertain to the destiny of freedom or of slavery, to which our new territories are to be consigned. After the acquisition of Louisiana, and Florida, and Texas, for the aggrandizement and security of the slave power; after the aboriginal occupants of the soil of the Southern States have been slaughtered, or driven from their homes, at an expense of not less than a hundred millions of dollars, and at the infinite expense of our national reputation for justice and humanity; and after the area of the slave States has been made

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almost double that of the free States, while the population of the free is about double that of the slave; the reasons seem so strong that they can hardly be made stronger, why the career of our Government as a slavery-extending power, should be arrested. On the other hand, the oligarchy who rule the South, seeing that, notwithstanding their rich and almost illimitable domain, they are rapidly falling behind the North in all the distinctive elements of civilization and well-being,—industry, temperance, education, wealth,—not only defend the Upas that blasts their soil, as though it were the Tree of Life, but seek to transplant it to other lands. With but about three slaves to a square mile,—three millions of slaves to nearly a million of square miles,—they say they are too crowded, that they feel a sense of suffocation, and must have more room, when all their weakness and pain proceed, not from the limited quantity, but from the malignant quality of the atmosphere they breathe. Hence the war with Mexico, commenced and prosecuted to add slave territory and slave States to the Southern section. Hence the refusal to accept propositions of peace, unless territory *south* of latitude 36 deg. 30 min. (the Missouri Compromise line, so called.) should be ceded to us. Hence when the Mexican negotiators proposed to insert a prohibition of slavery in the treaty of cession, and declared that the Inquisition would not be more odious to the American people than the reinstitution of slavery to them, our minister, Mr. Trist, told them he would not consent to such a prohibition, though they would cover the soil a foot deep with gold. And hence, also, the determination of a portion of the Southern members of Congress, to stop the whole machinery of the Government, to sacrifice all the great interests of the country, and assail even the Union itself, unless slavery shall be permitted to cross the Rio Grande, and enter the vast regions of the West, as it heretofore crossed the Mississippi and the Sabine.

Even in 1846, when the war against Mexico was declared, all men of sagacity foresaw the present conflict. Could that question have been decided on its merits; or could the institutions to be planted upon the territory we might acquire, be determined by the unbiased suffrages of the American people, no war would have been declared, and no territory acquired. But the great political leaders of the South expected to make up both for their numerical weakness and for the injustice of their cause, by connecting the question of slavery-extension with that of future Presidential elections, and with the strife of parties. They promised themselves that they could draw over leading Northern men to their support, by offering them the Tantalus cup of Presidential honors; and then by the force of party cohesion and discipline insure the support of the whole descending-scale of office expectants. Early in the present session of Congress, it was distinctly declared from a high Southern source, that the South must do most for those Northern men who would do most for them. A few words will make it apparent how faithfully this plan has been adhered to, and how successful it may become.

No Northern Democrat, opposed to slavery extension, could expect the support of the Southern Democracy. Hence, Gen. Cass stept promptly forward, and declared in his Nicholson letter, that Congress had no power to exclude slavery from the territories. This has been technically called his "bid," or his "first bid." It was deemed satisfactory by the South; for, according to their philosophy, the relation of master and slave is the natural or normal relation of mankind; and therefore, where no prohibition of it exists, slavery flows into free territory, as water runs down hill. This avowal of Gen. Cass was rendered more signal and valuable to the South, because, for the greater part of his political life, he had taken oaths, held offices and administered laws, in undeniable contradiction to the declaration then made. The Ordinance of 1787 was expressly recognised by the First Congress, held under the Constitution, [See ch. 8.] It was modified in part, and confirmed as to the rest; and in holding offices under this, Gen. Cass had laid the foundation of his honors and his fortune. His declaration, therefore, against all interdiction of slavery, made under circumstances so extraordinary and in contradiction of the whole tenor of his past life, was hailed with acclamation by the South, and he was unanimously declared, at Baltimore, to be the accepted candidate of the Democracy, for the office of President. The common notion is that a man shows his love for a cause by the amount of sacrifice he will make for it; and as consistency, honor and truth, are the most precious elements in character, who could sacrifice more than he!

To the honor of the Whig party be it said, there was not a Northern man to be found, who, to gain the support of the South, would espouse its pro-slavery doctrines, or invent any new reading of the Constitution to give them a semblance of law. Hence, at the Philadelphia Convention, no Northern Whig received even so much as a complimentary vote. The judicial eminence of Judge McLean, the military eminence of Gen. Scott, were passed contemptuously by; and Mr. Webster, acknowledged to be the greatest statesman of the age, received but fourteen votes, out of almost three hundred; and twelve of these were from Massachusetts. Mr. Webster had spoken more eloquent words for Liberty than any other living man, and this distinguished neglect was doubtless intended to teach him the lesson, that the path to Presidential honors did not lie through an advocacy of the rights of man. Gen. Taylor was nominated and chosen. He was understood to take neutral ground. Discountenancing the veto power, yet, if the House of Representatives, who are chosen directly from and by the people, and the Senate who are chosen by the States, will pass a territorial bill, either with or without a prohibition of slavery, he will approve it. This is the common opinion, and I have no doubt of its correctness.

Under these circumstances, a most desperate effort was made at the close of the last Congress to provide a Government for the territories, with no prohibition of slavery. Had Gen. Cass been elected, no such effort would have been necessary, for he was pledged to veto a prohibition. Gen.

Taylor was supposed to be pledged to an opposite course; and hence the struggle. The facts must be so fresh in the recollection of all that they hardly need to be recounted. The House performed its duty to the country and to freedom, by sending territorial bills to the Senate, containing the prohibitory clause. The Senate, equalling the Northern by its Southern votes, and far outnumbering the Whigs by its Democrats, left those bills to sleep the sleep of death upon its table. But during the closing hours of the session, it foisted a provision for the Government of the territories, into the general appropriation bill; and held out the menace that this bill should not pass at all, unless the territorial clause should pass with it. The flagitiousness of this proceeding, it is difficult to comprehend and impossible to describe. The appropriation bill is one on which the working, and even the continuance of the Government depend. Without it, the machinery of the State must cease to move. Contracts by the Government to pay money must be violated. Officers cannot obtain their salaries. Families must be left without subsistence. If long continued, all judges would resign and courts be broken up; and when justice should cease to be administered, violence, robbery, and every form of crime would run riot through the land.

Besides, an appropriation bill and a bill for the government of Territories, have no congruity with each other; they are not relevant; neither is germane to the other. Every one knows it to be a common parliamentary rule that when a proposition is submitted which is susceptible of division, any *one* member has a right to demand it. All bills, too, for raising revenue, must, by the Constitution, originate in the House; and the House has as much right to interfere to prevent the Senate from ratifying a treaty, as the Senate has to obstruct the passage of a revenue bill, by adding to it extraneous provisions. It was this effort on the part of the Senate to incorporate into the appropriation bill a provision most unrighteous in itself and most odious to the free sentiments of the North, which led to the protracted session on the night of the 3d of March, 1849. The course of the pro-slavery leaders, on that occasion, resembled that of a madman who should seize a torch, and stand over the magazine of a ship, and proclaim that he would send men and vessel to destruction, unless they would steer for his port. A portion of the House confederated with the majority of the Senate in this unprincipled machination; but the larger number stood undaunted, and after perils such as so precious an interest never before encountered, the pro-slavery amendment was stricken out, and its champions were foiled. Through that memorable night, the friends of freedom wrestled like Jacob with the angel of God, and though the session did not close until the sun of a Sabbath morning shone full into the windows of the Capitol, yet a holier work never was done on that holy day.

It was with a joy such as no words can ever express, that I saw the Territories rescued from the clutch of slavery by the expiration of the Thirtieth Congress. I felt confident that when the Thirty-first Congress should assemble, it would be under better auspices, and with a stronger phalanx on the side of freedom. In regard to California, those hopes have been fulfilled; but I proceed to state how they have been nearly extinguished in regard to the residue of the territory.

Our first disaster was the election of a most adroit, talented and zealous pro-slavery Speaker. A better organ for the accomplishment of their purposes the friends of Slavery could not have found, nor the friends of Freedom a more formidable opponent. Whilst the pro-slavery champions of the South, almost without distinction of party, exulted over this triumph, it has been the occasion of most lamentable criminations and recriminations at the North. Southern men abandon all distinctions of Whig or Democrat for the cause of Slavery; would to God we could do as much for the cause of Freedom.

The choice of a pro-slavery Speaker was immediately followed by the appointment of most ultra pro-slavery committees. Some Free Soil members, it is true, were placed upon these committees; but in this the Speaker only carried out more fully his own purposes and those of his party, by putting what they considered as insane men into close custody, instead of letting them run at large. He showed, however, either a want of courage in himself, or of confidence in his chosen guards; for, on the District of Columbia Committee he detailed a file of five, on the Judiciary Committee a file of four, and on the Territorial Committee a file of six strong pro-slavery men for the safe keeping of one Free-Soiler.

Within an hour after the House was organized, Mr. Root of Ohio submitted a resolution, instructing the Committee on Territories to report Territorial bills, prohibiting slavery. Many true friends to freedom believed this movement to be ill-timed and unfortunate; and though the House then refused, by a handsome vote, to lay the resolution on the table, yet when it came up for consideration again, the first decision was reversed by about the same majority. There is abundant proof that the latter vote did not express the true sentiment of the House. Not a few voted against the resolution avowedly because of its paternity,—thus spiting a noble son on account of its obnoxious father. Others repented of their votes as soon as they came to reflect that the record would go where their explanation could not accompany it.

But unfortunately, it was too late. There stands the record, to survive through all time, and to be read of all men. The champions of slavery seized upon this vote as a propitious omen. They derided and scouted the Proviso with a fierceness unknown before. They shouted their threats of disunion with a more defiant tone, should any attempt at what they called its resurrection, be made. A speech was delivered, in which a massacre of a majority of the House was distinctly shadowed forth, so that not "a quorum should be left to do business." The effect of that vote was almost as bad as though it meant what it said.

At a later day, when a bill for the admission of California was presented, the tactics of delay were resorted to, and midnight found us calling the yeas and nays, for more than the thirtieth time,

on questions whose frivolousness and vexatiousness cannot be indicated by numbers.

The proceedings in the Senate, however, are those which now threaten the most disastrous consequences. Early in the session, in order to bring his Northern friends up to the doctrine that it is unconstitutional to legislate upon slavery in the Territories, General Cass made a speech, in which he denies that Congress has *any* power, under *any* circumstances, to pass *any* law respecting their inhabitants. According to that speech, the United States stands in the relation of a foreign Government to the people of its own Territories; and if they set up a king or establish a religion, we cannot help it; for we have no more power or right to control them, than we have the subjects of Great Britain, or the citizens of France. It has been said that the doctrine of General Cass and that of General Taylor, on this subject, are identical; but there is this all-important difference between them: General Taylor maintains the right of Congress to legislate for the Territories, and will doubtless approve any bill for the prohibition of slavery in them; but General Cass, denying this right in Congress, would, if President, veto such a bill. He, therefore, would leave the Territories open to be invaded and possessed by slavery; and in Southern law and practice, possession is more than nine points.

Next came Mr. Clay's Compromise resolutions, so called. By these, California was to be admitted as a State; the Territories organized without any restriction upon slavery; the Southwestern boundary of Texas to be extended to the Rio Grande; a part of her twelve or fifteen million debt to be paid by the United States, on condition of her abandoning her claim to a part of New Mexico lying east of the Rio Grande; the abolition of the slave trade in the District of Columbia, and the inviolability of slavery in the District during the good pleasure of Maryland and of the inhabitants of the District; more effectual provision for the restitution of fugitive slaves, and free traffic in slaves forever between the States, unless forbidden by themselves.

A compromise is a settlement of difficulties by mutual concessions. Let us examine the mutuality of the concessions which Mr. Clay's resolutions propose.

In the first place, California is to be permitted to remain free, if the Territories of New Mexico and Utah may be opened to slavery. But California is free already; free by her own act; free without any concession of theirs, and without any grace but the grace of God. It is mainly occupied by a Northern population, who do their own work, with their own hands, or their own brains. Fifty hardy gold diggers from the North will never stand all day knee-deep in water, shovel earth, rock washers, &c., under a broiling sun, and see a man with his fifty slaves standing under the shade of a tree, or having an umbrella held over his head, with whip in hand, and without wetting his dainty glove, or soiling his japanned boot, pocket as much at night as the whole of them together. Or rather, they will never suffer institutions to exist which tolerate such unrighteousness. California, therefore, is free; as free as Massachusetts; and Mr. Clay might as well have said in terms, that whereas Massachusetts is free, therefore New Mexico and Utah shall be slave, or run the hazard of being so.

The next point of Mr. Clay's compromise is, that Texas shall extend her southwestern boundary from or near the Nueces to the Rio Grande, and shall receive, probably, some six or eight millions of dollars for withdrawing her claim to that part of New Mexico which lies east of the last-named river. Now, Texas has no rightful or plausible claim to a foot of all this territory. But suppose it to be a subject of doubt, and therefore of compromise. The mutuality, then, consists in dividing the whole territory claimed by Texas, and then giving her a valid title to one portion of it, and paying her for all the rest. Texas, or,—what in this connection is the same thing,—slavery, surrenders absolutely nothing, gets a good title to some seventy thousand square miles of territory, and pay for as much more!

But what renders it almost incredible that any man could soberly submit such a proposition and dare to call it a compromise, is this: All that part of New Mexico which Texas claims, and which lies between the parallels of 36° 30′ and 42°, is, by the Resolutions of Annexation, to be forever free. I shall consider the constitutionality of these resolutions by and by; I now treat them as valid. Now the compromise proposes to buy this territory, so secured to freedom, and annex it to New Mexico, which is to be left open to slavery. We are to peril all the broad region between 36° 30′ and 42°, and pay Texas some six or eight millions of dollars for the privilege of doing so! Mr. Clay is not less eminent for his statesmanship than for his waggery. Were he to succeed in playing off this practical joke upon the North, and were it not for the horrible consequences which it would involve, a roar of laughter, like a *feu de joie*, would run down the course of the ages. As it is, the laughter will be "Elsewhere."

The next point pertains to the abolition of the slave trade, and the perpetuity of slavery in the District of Columbia. This District has an area of about fifty square miles; and Mr. Clay proposes, in consideration of transferring its slave marts to Alexandria, on the Virginia side, or to some convenient place in Montgomery or Prince George's county, on the Maryland side, to divest Congress forever of its right of "exclusive legislation" over it. Should this plan prevail, the perpetuity of slavery in the District will be defended by more unassailable and impregnable barriers than any other institution in Christendom. The President has a veto upon Congress; but two-thirds of both houses may still pass any law, notwithstanding his dissent. Mr. Clay proposes to give, both to Maryland and to the citizens of the District, a veto on this subject;—an absolute veto, not a qualified one, like that of the President of the United States, but one that will control, not majorities merely, but an absolute unanimity in both branches of Congress. By his plan, therefore, three separate, independent powers are to have a veto upon the abolition of slavery in the District of Columbia. And not only

so, but while it will require their *joint* or *concurrent* action to abolish the institution, any one of them can preserve it. The laws of the Medes and Persians had no such guaranties for perpetuity as this.

Mr. Clay's last point is really too facetious. So solemn a subject does not permit such long-continued levity, however it may be masked by sobriety of countenance. It is that Congress shall make mere effectual provision for the capture and delivery of fugitive slaves; and, as an equivalent for this, it shall bind itself never to interfere with the inter-State traffic in slaves. We are to catch their slaves, and, as though that were a grateful privilege to us, we are to allow them free commerce in slaves, coastwise or inland. By this means, slaves can be transported to the mouth of the Rio Grande, and some hundreds of miles up that river, towards New Mexico, instead of being driven in coffles across the country. The compromise is, that for every slave we catch, we are to facilitate the passage of a hundred into New Mexico.

Such is the mutuality of Mr. Clay's compromises. They are such compromises as the wolf offers to the lamb, or the vulture to the dove. They make the rightful admission of California into the Union, with her free Constitution, contingent upon opening the new Territories to slavery; they ratify one part of the predatory claim of Texas, and propose to give her millions for the other part; they give an unconditional veto to the State of Maryland and to the citizens of the District of Columbia, over a unanimous vote of both Houses of Congress, even when approved by the President; in connection with Mr. Butler's bill and Mr. Mason's amendments, they expose our white citizens to grievous penalties and imprisonments for not doing what the Supreme Court of the United States has decided we are not bound to do, in relation to fugitive slaves, and they offer our colored citizens to be kidnapped and spirited away into bondage; and they foreclose, in favor of the South, the disputed question of the inter-State commerce in slaves. In one particular only do they appear to concede anything to Northern rights, or Northern convictions, or Northern feelings. They propose to transfer the District of Columbia slave trade across an ideal line into Virginia or into Maryland, so that the slave planter or slave trader, when he comes to our American Congo to replenish his stock of human cattle, shall be obliged to go a mile or two, to the slave marts, instead of walking down Pennsylvania avenue. I deem this to be no concession. If it is honorable to produce corn and cotton, it is honorable to buy and sell them,—and if it is honorable to hold beings created in God's image in slavery, it is honorable to stand between the producer and consumer, and to make merchandise of the bodies and the souls of men. Let this Light of the Age be set upon a hill that all nations may behold it.

I will refer to Mr. Bell's resolutions no further than to say that they propose the formation of three slave States out of what is now claimed by Texas, one of which is to be admitted into the Union forthwith as an offset to California.

Mr. Buchanan has not regarded the movements of his rival, General Cass, with indifference. He has spent a considerable portion of the winter in Washington, and it is understood that he holds out the Missouri Compromise line, from the western boundary of Missouri to the Pacific ocean, as his lure to the South, for their favorable regards in the ensuing Presidential contest.

In a chronological order, I must now consider some vitally important views, which have been submitted by some members in the House, and by Mr. Webster and others in the Senate. In mentioning the name of this great statesman, and in avowing that I am one among the many whom his recently expressed opinions have failed to convince, it is due to myself, however indifferent it may be to him or to his friends, that I should express my admiration of his powers, my gratitude for his past services, and the diffidence with which I dissented, at first, from his views. But I have pondered upon them long, and the longer I have pondered, the more questionable they appear. I shall therefore venture upon the perilous task of inquiring into their correctness; and while I do it with the deference and respect which belong to his character, I shall do it also with that fidelity to conscience and to judgment that belong to mine. He is great, but truth is greater than us all.

I shall confine myself mainly, and perhaps wholly, to Mr. Webster's views, because he has argued the cause of the South with vastly more ability than it has been argued by any one among themselves. If his conclusions, then, be not tenable, their case is lost.*

Mr. Webster casts away the "Proviso" altogether. He says: "*If a resolution or a law were now before us to provide a Territorial Government for New Mexico, I would not vote to put any prohibition into it whatever*"—*Page* 44. The reason given is, that slavery is already excluded from "California and New Mexico" "by the law of nature, of physical geography, the law of the formation of the earth."—*Page* 42. "California and New Mexico are Asiatic in their formation and scenery. They are composed of vast ridges of mountains of enormous height, with broken ridges and deep valleys."—*Page* 43.

Now, this is drawing moral conclusions from physical premises. It is arguing from physics to metaphysics. It is determining the law of the spirit by geographical phenomena. It is undertaking to settle by mountains and rivers, and not by the Ten Commandments, a great question of human duty. It abandons the second commandment of Christ and all Bills of Rights enacted in conformity thereto, and leaves our obligations to our "neighbor" to be determined by the accidents of earth and water and air. To ascertain whether a people will obey the Divine command, and do to others as they would be done by, it looks at the thermometer. What a problem would this be? "Required the height above the level of the

* All my quotations from Mr Webster are taken from the edition of his speech which he dedicated to the "People of Massachusetts," March 18, 1850. Among the numerous readings which have appeared, I suppose this to be the most authentic.

sea at which the oppressor 'will undo the heavy burdens and let the oppressed go free, and break every yoke,'—to be determined barometrically." Alas! this cannot be done. Slavery depends, not upon Climate, but upon Conscience. Wherever the wicked passions of the human heart can go, there slavery can go. Slavery is an effect. Avarice, sloth, pride, and the love of domination, are its cause. In ascending mountain sides, at what altitude do men leave these passions behind them? Different vegetable growths are to be found at different heights, depending also upon the zone. This I can understand. There is the altitude of the palm, the altitude of the oak, the altitude of the pine, and, far above them all, the line of perpetual snow. But, in regard to innocence and guilt, where is the *white line?* How high up can a slaveholder go and not lose his free agency? At what elevation will the whip fall from the hand of the master, and the fetter from the limbs of the slave? There is no such point. Freedom and slavery on the one hand, and climate and geology on the other, are incommensurable quantities. We might as well attempt to determine a question in theology by the cube root, or a question in ethics by the Black Art. Slavery being a crime founded upon human passions can go wherever those passions are unrestrained. It has existed in Asia from the earliest ages, notwithstanding its "formation and scenery." It labors and groans on the flanks of the Ural mountains now. There are to-day forty-eight millions of slaves in Russia, not one rood of which comes down so low as the northern boundary of California and New Mexico.

Had Mr. Webster's philosophy been correct, then California was at superfluous pains when she incorporated the Ordinance of 1787 into her Constitution. Instead of saying that "slavery and involuntary servitude, (except for crime,) shall be forever prohibited," she should have said, "Whereas by a law of nature, of physical geography, the law of the formation of the earth," "slavery cannot exist in California," therefore we will not "re-affirm an ordinance of Nature, nor re-enact the will of God."

Should it be said that slavery will not go into the new Territories, because it is unprofitable, I ask, where is it profitable? Where is ignorance so profitable as knowledge? Where is ungodliness gain, even for the things of this life? How little is the hand worth at one end of an arm, if there is not a brain at the other? Do not Maryland, Virginia, North Carolina, and other States, furnish witnesses by thousands and tens of thousands that slavery impoverishes? Yet with what enthusiasm they cherish it. Generally, ignorance is a necessary concomitant of slavery. Of white persons, over twenty years of age, unable to read and write, there were, according to the last census, 58,787 in Virginia, 56,609 in North Carolina, 58 513 in Tennessee, and so forth. I have a letter before me, received this morning, dated in Indiana, in which the writer says he removed from North Carolina, in 1802, when he was fourteen years old, and at that time he had never seen a newspaper in his life. Can there be genius, the inventive talent, or profitable labor, where ignorance is so dense? Can the oppression that tramples out voluntary industry, intelligence, enterprise, and the desire of independence, conduce to riches? Yet this is done wherever slavery exists, and is part and parcel of its working. Is any other form of robbery profitable? Yet individuals and communities have practiced it and lived by it, and we may as well rely upon a "law of physical geography" to arrest the one at the other. It is not poetry, but literal truth, that the breath of the slave blasts vegetation, his tears poison the earth, and his groans strike it with sterility. It would be easy to show why the master does not abandon slavery, even amid the desolation with which it has surrounded him. There is a combination of poverty and pride, which slavery produces, *on the doctrine of natural appetence*, and which, therefore, it exactly fits. The helplessness of the master in regard to all personal wants seems to necessitate the slavery that has begotten it. All moral and religious principles are lowered till they conform to the daily practice. Custom blinds conscience, until, without any attempt to emancipate or ameliorate their victims, men can preach and pray and hold slaves, as Hamlet's grave-digger jests and sings while he turns up skulls.

But slavery cannot go into California or New Mexico, because their staple productions are not "tobacco, corn, cotton, or rice."—*Page* 44. These are agricultural products. But is slave labor confined to agriculture? Suppose that predial slavery will not become common in the new Territories. Cannot menial? If slaves cannot do field-work, cannot they do house-work? There is an opening for a hundred thousand slaves to-day in the new Territories, for purposes of domestic labor. And beyond this, let me ask, who possesses any such geologic vision that, at a distance of a thousand miles, he can penetrate the valleys and gorges of New Mexico, and say that gold will not yet be found there as it is in California,—not in sand and gravel only, but in forty-eight pounders and in fifty-sixes? This is the very kind of labor on which slaves, in all time, have been so extensively employed,—the very labor on which a million of slaves in Hispaniola lost their lives, within a few years after its discovery by Columbus. Gold deposites are now worked within twenty-five miles of Santa Fe. The last account which I have seen, of a company of emigrants passing from Santa Fe to California by the river Gila, announces rich discoveries of gold upon that river. A fellow-citizen of mine has just returned home, who says he saw a slave sold at the mines in California, in September last. As yet, the distant regions of the Gila and the Colorado cannot be worked, because of the Apaches, the Utahs, and other tribes of Indians. But admit slavery there, and the power of the Government will be invoked to exterminate these Indians, as it was before to exterminate the Cherokees and Seminoles,—not to drive them beyond the Mississippi, but beyond the Styx. A few days since a letter was published in the papers, dated on board a steamer descending the Mississippi, which stated that a considerable number of slaves were on board, bound for California, under an agreement

with their masters that they should be free after serving two years at the mines. We know, too, that the reason assigned for incorporating a provision in the Constitution of California, authorizing its Legislature to pass laws for the exclusion of free blacks from the State, was, that slaves would be brought there under this very form of agreement, and, by and by, the country would be overspread by people of color who had bought their freedom. The sagacious men who framed the California Constitution came from all parts of the territory, and, being collected on the spot, having surveyed all its mountains, having breathed its air at all temperatures, and turned up its golden soil,—these men had never discovered any "law of physical geography" which the fell spirit of slavery could not transgress. Slaves were carried into Oregon, ten degrees of latitude higher up. Its colonists reënacted the Ordinance of 1787 before Congress gave them a Territorial Government. In the Territorial Government that was given them, the prohibition was inserted; and President Polk signed the bill, with an express protest, that he ratified this exclusion of slavery only because the country lay north of the Missouri Compromise line; but declared that, had it embraced the very region in question, he would have vetoed the bill.

General Cass never took the ground that slavery could not exist in the new territories; and no inconsiderable part of the opposition made to him in Massachusetts and in other free States, was placed expressly upon the ground that he would not prohibit it. Mr. Webster, in his Marshfield speech, Sept. 1, 1848, opposed the election of General Cass, because, through his recreancy to Northern principles, slavery would invade the territories. This was expressed with his usual clearness and force, as follows:

"He, [General Cass,] will surely have the Senate; and with the patronage of the Government, with every interest that he, as a Northern man, can bring to bear, coöperating with every interest that the South can bring to bear, we cry safety before we are out of the woods, *if we feel that there is no danger us to these new territories.*"*

Yet Mr. Webster now says that to support the "Proviso," would "do disgrace to his own understanding."—*Page* 46.

During the same campaign, also, the Honorable Rufus Choate, one of the most eloquent men in

* On the eleventh of June last, General Cass, in the Senate, referred to this notice of himself. He affirmed that he *had* taken the ground, in his "Nicholson" Letter, "*that slavery could not exist in the new Territories;*" but with his usual fatality of self-contradiction, he proceeded to read some passages which confirmed the truth of my statement, and convicted himself. Everybody knows that all the great parties in the country entertained the same opinion respecting Gen. Cass's views that I did; for he was opposed at the North and advocated at the South, on the express ground that he would allow slavery to go into the new Territories. Nobody had then heard of any insuperable barriers erected by God and Nature against the encroachments of slavery in that direction. That fable had not then been invented.

In General Cass's reference to me, in the above-mentioned speech, there are many curious things. He arraigns me for referring to him; but he remembers to forget, that in a long *parvum in multo* speech which he made last January, he first assailed me. He puts on a sanctimonious face, and reads me a lecture for citing the Scriptures; while, in the very speech which contains the censure, he cites the Scriptures six times, in the same way as I did once. Is there any canon of the Church which forbids my referring to the Scripture, but allows it to a seeker for the Presidency?

But his theological knowledge is the most extraordinary. In referring to the ninth Commandment, about bearing false witness against one's neighbor, he came only within six of it; for he called it the "third" I hope, for the credit of the country, some friend will help him to correct this before it goes into our documentary history; and, in the mean time, I commend him to the Sunday School Society.

But the General nowhere explains his own sad political condition. In his little-in-much speech delivered in January last, he most solemnly maintained that Congress had no power under the Constitution to legislate for the inhabitants of the Territories. Yet, during the great part of his political life, he was the mere creature of such legislation. As such, he filled offices, which, according to the doctrines of that speech, were usurpations, received salaries, which were embezzlements, and took oaths to support the Constitution, which were little better than perjuries But since the speech of January was made in which he denied all power in Congress to legislate for the inhabitants of the Territories, and affirmed this right to be in the inhabitants themselves, he has accepted a place on the Compromise Committee, and joined in the Compromise report, by which according to his own doctrine, he usurps this power of legislation, and robs the Territorial inhabitants of what he had so lately averred to be their natural right. The bill, however, confers a limited and *quasi* power of legislation on the inhabitants; yet, on the most important of all subjects, the subject of slavery, it denies them all power, and fetters them immovably.

This, then, is General Cass's course on this subject. He denied the power of Congress to legislate for the inhabitants of the Territories, so that he might please the South by voting against, or vetoing the Proviso, and thus allow the extension of slavery. But when, in the course of events, it was apprehended that the Territories would of themselves exclude slavery, if allowed to do what he said they had a natural, inherent right to do, then he denies his denial by going for a Compromise Committee and for the Compromise bill. But thirdly, lest the Territories, if invested with the common power of legislating for themselves in their domestic concerns, should of themselees prohibit slavery, he denies his denied denial, and takes this chiefest prerogative of freemen out of their hands

In his last speech, General Cass deems it not unworthy his Senatorial dignity to pun upon my name. A pun has been called "the smallest kind of wit," and I think the General has here produced the smallest specimens of the "smallest kind." Did it not occur to the General that his own name offers the most grievous temptation for punning?

As a general rule, I contemn punning As a malignant *attack* upon any gentleman for the accident of his name, it is wholly unpardonable It is but barely just fiable as a *retort*. To warn the General of the dangers he encounters by indulging his love of punning I will venture to subjoin a specimen or two, of what might be easily and indefinitely extended:

1. PHILOLOGICALLY.

Small odds, 'twixt tweedle dum and tweedle-dee,
And Cass means much the same, without the C.

2. NUMERICALLY.

This Ass is very big. Then call him CAss;
C's Roman for 100;—a hundred times an Ass.

3. CHEMICALLY.

The prophet boldly saith, "All flesh is grass;"
But thistle-eatiug donkey's flesh is Cass;—
Cass is a *Carbonate* whose *base* is Ass.

While General Cass held Territorial offices, he became renowned for the enormous quantities of rations he consumed. I have forgotten whether the number was such as to be represented by the Roman numeral L or C,—the initial of his first or of his last name. If the latter, it would suggest the following:

4. GASTRONOMICALLY.

Greedier than he that starved 'twixt stacks of hay,—
An honest ass;
Our Jack devours C rations every day:
Hence y-clept CAss.

I might thus carry the General through all the arts and sciences; but if he is now disposed to say "quits," on the score of punning, I am; and will draw no more upon the *asinine* or *Cassinine* associations which his name suggests.

New England, and known to be the personal friend of Mr. Webster, delivered a speech at Salem, in which the following passage occurs:

"It is the passage of a law to say that California and New Mexico shall remain forever free. That is, fellow-citizens, undoubtedly an object of great and transcendent importance; for there is none who will deny that we should go up to the very limits of the Constitution itself, and with the wisdom of the wisest, and zeal of the most zealous, should unite to accomplish this great object, and to defeat the always detested, and forever to be detested object of the dark ambition of that candidate of the Baltimore Convention, who has ventured to pledge himself in advance that he will veto the future law of freedom; and may God avert the madness of all those who hate slavery and love freedom, that would unite in putting him in the place where his thrice accursed pledge may be redeemed! * * * * Is there a Whig upon this floor who doubts that the strength of the Whig party next March will insure freedom to California and New Mexico, if by the Constitution they are entitled to freedom at all? Is there a member of Congress that would not vote for freedom? You know there is not one. Did not every Whig member of Congress from the free States vote at the last session for freedom? You know that every man of them returned home covered with the thanks of his constituents for that vote. Is there a single Whig constituency, in any free State in this country, that would return any man that would not vote for freedom? *Do you believe that Daniel Webster himself could be returned if there was the least doubt upon the question?*"

Mr. Choate then adds: "Upon this question alone, we always differ from those Whigs of the South; and on that one, we *propose simply to vote them down.*" Mr. Webster now says he will not join in voting them down.

Under such circumstances is it frivolous or captious to ask for something more than a dogmatic assertion that slavery cannot impregnate these new regions, and cause them to breed monsters forever? On a subject of such infinite importance I cannot be satisfied with a dictum; I want a demonstration. I cannot accept the prophecy without inquiring what spirit inspired the prophet. As a revelation from heaven it would be most delightful; but, as it conflicts with all human experience, it requires at least one undoubted miracle to attest the divinity of its origin.

According to the last census, there were more than eight thousand persons of African blood in Massachusetts. Abolish the moral and religious convictions of our people, let slavery appear to be in their sight not only lawful and creditable, but desirable as a badge of aristocratic distinction, and as a "political, social, moral and religious blessing," and what obstacle would prevent these eight thousand persons from being turned into slaves, on any day, by the easy, cheap, and shorthand kidnapping of a legislative act? Africans can exist here, for the best of all reasons,—they do exist here. A state of slavery would not stop their respiration, nor cause them to vanish "into thin air." Think, for a moment, of the complaints we constantly hear in certain circles, of the difficulty and vexatiousness of commanding domestic service. If no moral or religious objection existed against holding slaves, would not many of those respectable and opulent gentlemen who signed the letter of thanks to Mr. Webster, and hundreds of others indeed, instead of applying to intelligence offices, or visiting emigrant ships for domestics, as we call them, go at once to the auction-room and buy a man or a woman with as little hesitancy or compunction as they now send to Brighton for beeves, or go to Tattersall's for a horse? If the cold of the higher latitudes checks the flow of African blood, or benumbs African limbs, the slaveholder knows very well that a trifling extra expense for whips will make up for the difference.

But suppose a doubt could be reasonably entertained about the invasion of the new territories by slavery. Even suppose the chances to preponderate against it. What then? Are we to submit a question of human liberty over vast regions and for an indefinite extent of time, to the determination of chance? With all my faculties I say *No!* Let me ask any man, let me respectfully ask Mr. Webster himself, if it were his own father and mother, and brothers and sisters, and sons and daughters, who were in peril of such a fate, whether he would abandon them to chance,—even to a favorable chance. Would he suffer their fate to be determined by dice or divination, when positive prohibition was in his power? And by what rule of Christian morality, or even of enlightened heathen morality, can we deal differently with the kindred of others from what we would with our own? He is not a Christian whose humanity is bounded by the legal degrees of blood, or by general types of feature.

But Mr. Webster would not "taunt" the South. Neither would I. I would not taunt any honorable man, much less a criminal. Still, when the most precious interests of humanity are in peril, I would not be timid. I would not stop too long to cull lover's phrases. Standing under the eye of God, in the forum of the world and before the august tribunal of posterity, when the litigants are Freedom and Tyranny, and human happiness and human misery the prize they contest, it should happen to the sworn advocate of Liberty, as Quintilian says it did to Isocrates, "not to speak and to plead, but to thunder and to lighten." Mr. Webster would not taunt the South; and yet I say the South were never so insulted before as he has insulted them. Common scoffs, jeers, vilifications, are flattery and sycophancy, compared with the indignities he heaped upon them. Look at the facts. The South waged war with Mexico from one and only one motive; for one and only one object,—the extension of slavery. They refused peace unless it surrendered territory. That territory must be south of the abhorred line of 36° 30′. The same President who abandoned the broad belt of country on our Northern frontier, from 49° to 54° 40′, to which we had, in his own words, "an unquestionable title," would allow no prohibition of slavery to be imposed upon the territory which Mexico ceded, though she would bury it a foot deep in gold. The Proviso had been resisted in all forms, from the beginning. Southern Whigs

voted against the ratification of the treaty, foreseeing the struggle that was to follow. Desperate efforts were made to smuggle in an unrestricted territorial government, against all parliamentary rule and all constitutional implication. The whole South, as one man, claimed it as a "describable, weighable, estimable, tangible" and most valuable "right" to carry slaves there. Calhoun, Berrien, Badger, Mason, Davis,—the whole Southern phalanx, Whig and Democrat, pleaded for it, argued for it, and most of them declared themselves ready to fight for it; and yet Mr. Webster rises in his place, and tells them they are all moon-struck, hallucinated, fatuous; because "an ordinance of Nature and the will of God" had settled this question from the beginning of the world. Mr. Calhoun said, immediately after this speech, Give us free scope and time enough, and we will take care of the rest.

Mr. Mason said—

"We have heard here from various quarters, and from high quarters, and repeated on all hands,—repeated here again to-day by the honorable Senator from Illinois, [Mr. Shields,] that there is a law of nature which excludes the Southern people from every portion of the State of California. I know of no such law of nature,—none whatever; but I do know the contrary, that if California had been organized with a territorial form of government only, and for which, at the last two sessions of Congress, she has obtained the entire Southern vote, the people of the Southern States would have gone there freely, and have taken their slaves there in great numbers. They would have done so because the value of the labor of that class would have been augmented to them many hundred fold. Why, in the debates which took place in the convention in California which formed the Constitution, and which any Senator can now read for himself, after the provision excluding slavery was agreed upon, it was proposed to prohibit the African race altogether, free as well as bond. A debate arose upon it; and the ground was distinctly taken, as shown in those debates, that if the entire African race was not excluded, their labor would be found so valuable that the owners of slaves would bring them there, even though slavery were prohibited, under a contract to manumit them in two or three years. And it required very little reasoning, on the part of those opposed to this class of population, to show that the productiveness of their labor would be such as to cause that result. An estimate was gone into with reference to the value of the labor of this class of people, showing that it would be increased to such an extent in the mines of California, that they could not be kept out. It was agreed that the labor of a slave in any one of the States from which they would be taken, was not worth more than one hundred or one hundred and fifty dollars a year, and that in California it would be worth from four to six thousand dollars. They would work themselves free in one or two years, and thus the country would be filled by a class of free blacks, and their former owners have an excellent bargain in taking them there."

Yet Mr. Webster stands up before all this array, and says: "Gentlemen, you are beside yourselves. You have eaten hellebore. You would look more in character should you put on the 'cap and bells.' In sober sense, in seeing his object clearly and in pursuing it directly, Don Quixote was Doctor Franklin, compared with *you*. The dog in the fable, who dropped his meat to snap at its shadow, is no allegory in your case. I see two classes around me,—wise men and fools; *you* do not belong to the former. The Chancellor who keeps the king's idiots should have custody of you." Such is a faithful abstract of what Mr. Webster said to Southern Senators, and, through them, to all the South.

Here certainly was a reflection upon the understanding and intelligence of the South, such as never was cast upon them before. But the balm went with the sting. They bore the affront to their judgments, because it was so grateful to their politics and pockets. I think it no injustice to those Senators to say, that they would have nearly torn Mr. Webster in pieces for such a collective insult, if it had not promised to add fifty per cent. to their individual property, and to secure and perpetuate their political ascendency.

To help our conceptions in regard to Mr. Webster's course on this subject, let us imagine a parallel case,—or, rather, an approximate one, for there can be no parallel. Suppose a contest between the North and the South, on the subject of the Tariff, to have been raging for years. The sober blood of the North is heated to the fever point. The newspapers treat of nothing else. Public meetings and private conversations discuss no other theme. Hundreds of delegates wait upon Congress to add, if it be but a feather's weight, to the scale which holds their interests. Petitions flow in in thousands and tens of thousands. It is announced that Mr. Calhoun will pour out his great mind on the subject. Expectation is on tiptoe. All eyes, from all sides of the country, are turned towards Washington, as the Muezzin's to Mecca. The Senate chamber is packed, and the illustrious Senator rises. After an historic sketch of existing difficulties, after reading from the speeches which he made in 1832 and in 1846, he proceeds to say that he withdraws all opposition to a tariff,—to any tariff! He will not offend the delicate nerves of Northern manufacturers by further hostility. Were a bill then before him, he would not oppose it. "Take the schedules," says he, scornfully, to Northern Senators, "and fill up the blanks from A to Z with what percentages you please. For *ad valorem* rates, put in minimums and maximums at your pleasure. I will 'taunt' you no longer. I am for peace and the glorious Union. I have discovered an irrepealable and irreversible law of nature, which overrules all the devices of men. You cannot make one yard of woollens or cottons in New England. There, water has no gravity, steam has no force, and wheels will not revolve. In Vermont and New York, wool will not grow on sheeps' backs. I have penetrated the geology of Pennsylvania, and through all its stratifications, there is not a thimble-full of coal, nor an ounce of iron ore; and, if there were, combustion would not

help to forge it; for oxygen and carbon are divorced. As Massachusetts contributed one-third of the men and one-third of the money, to carry on the Revolutionary War, I am willing to compensate her for her lost blood and treasure, to the amount of hundreds of millions of dollars, with which she may fertilize the barrenness of her genius, and indulge her insane love for churches and schools." Had the great Southern Senator spoken thus, I think that even idolatrous, man-worshipping South Carolina,—a State which Mr. Calhoun has ruled and moved for the last twenty-five years, as a puppet-showman plays Punch and Judy,—would have sent forth, through all her organs, a voice of unanimous dissent.

As much as Freedom is higher than Tariff, so much stronger than their dissent should be ours.

Mr. Webster's averment that he would not "re-affirm an ordinance of Nature, nor reënact the will of God," [p. 44,] has been commented on more pungently than I am able or willing to do. It has been said that all law and all volition must be in harmony with the will of the Good Spirit or with that of the Evil One; and if we will not reënact the will of the former, then, either all legislation ceases, or we must register the decrees of the latter. But one important and pertinent consideration belongs to this subject, which I have nowhere seen developed. It is this: Endless doubts and contradictions exist among men, as to what is the will of God; and on no subject is there a wider diversity of opinion than on this very subject of slavery. Whose law was reënacted by the Ordinance of 1787? whose, when the African slave trade was prohibited? whose, when it was declared piracy? True, it is useless to put upon our statute-books an astronomical law, regulating sunrise, or high tides; but that is physical and beyond the jurisdiction of man, while slavery belongs to morals, and is within the jurisdiction of man. Cease to transcribe upon the statute-book what our wisest and best men believe to be the will of God in regard to our wordly affairs, and the passions which we think appropriate to devils will soon take possession of society. In regard to slavery, piracy, and so forth, there are multitudes of men, whose fear of the penal sanctions of another life is very much aided by a little salutary fine and imprisonment in this. Look at that noble array of principles which is contained in the Declaration of Rights in the Constitution of Massachusetts. Is it not a most grand and beautiful exposition of "the will of God,"—a transcript, as it were, from the Book of Life? So of the amendments to the Constitution of the United States. Yet our fathers thought it no tampering with holy things to enact them; and, in times of struggle and peril, they have been to many a tempted man as an anchor to the soul, sure and steadfast.

I approach Mr. Webster's treatment of the Texas question with no ordinary anxiety. Having been accustomed from my very boyhood to regard him as the almost infallible expounder of constitutional law, it is impossible to describe the struggle, the revulsion of mind, with which I have passed from an instructed and joyous acquiescence in his former opinions to unhesitating dissent from his present ones.

I must premise that I cannot see any necessary or beneficial connection between the subject of new Texan States and the admission of California and the government of the Territories. The former refers to some indefinite future, when, from its fruitful womb of slavery, Texas shall seek to cast forth an untimely birth. In this excited state of the country, at this critical juncture of our affairs, when there is sober talk of massacring a majority of the House of Representatives on their own floor, and a Senator, instead of threatening to hang a brother Senator on the highest tree, provided he could catch him in his own State, now draws a revolver of six barrels on another brother Senator, on the floor of the Senate, in mid-session; at such a time, I say, when, however few Abels there may be at work in the political field, there are Cains more than enough, would it not have been well to have acted upon the precept, "Sufficient unto the day is the evil thereof?"

As the basis of his argument, Mr. Webster quotes the following resolution:

"New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of the said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36 deg. 30 min. north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire; and in such State or States as shall be formed out of said territory north of said Missouri Compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

Note here, first, that only "*four*" States are to be admitted in "addition to said State of Texas;" and second, that "such State or *States*" (in the plural) as shall be formed from territory north of 36° 30′, *shall be free.* If *two*, or only *one* free State is to exist on the *north* side of the line, then how many will be left for the *south* side? I should expose myself to ridicule were I to set it down arithmetically, *four* minus *one*, equal to *three.* Yet Mr. Webster says "the guaranty is, that new States shall be made out of it, [the Texan territory,] and that such States as are formed out of that portion of Texas lying south of 36° 30′, may come in as slave States, to *the number of* FOUR, in addition to the State then in existence, and admitted at that time by these resolutions."—*Page* 29.

Here Mr. Webster gives outright to the South and to slavery, one more State than was contracted for,—assuming the contract to be valid. He makes a donation, a gratuity, of an entire slave State, larger than many a European principality. He transfers a whole State, with all its beating hearts, present and future, with all its infinite susceptibilities of weal and woe, from the side of freedom to that of slavery, in the leger-book of humanity. What a bridal gift for the harlot of bondage!

Was not the bargain hard enough, according to its terms? Must we fulfil it, and go beyond it? Is a slave State, which dooms our brethren of the human race, perhaps interminably, to the vassal's fate, so insignificant a trifle, that it may be flung in, as small change on the settlement of an ac-

count? Has the South been so generous a co-partner, as to deserve this distinguished token of our gratitude?

Why, by parity of reasoning, could he not have claimed all the four States, "in addition to said State of Texas," as free States? The resolutions divide the territory into two parts, one north and one south of the line of 36° 30′. Could not Mr. Webster have claimed the four States for Freedom with as sound logic, and with far better humanity than he surrendered them to Slavery? When Texas and the South have got their slave States "*to the number of four*" into the Union, whence are we to obtain our one or more free States? The contract will have been executed, and the consent of Texas for another State will be withheld.

Notwithstanding all this, Mr. Webster affirms the right of slavery to four more States, in the following words: "I know no form of legislation which can strengthen this. I know no mode of recognition that can add a tittle of weight to it." Catching the tone of his asseveration, I respond that I know no form of statement, nor process of reasoning, which can make it more clear, that this is an absolute and wanton surrender of the rights of the North and the rights of humanity.

But I hold the Texan resolutions to have been utterly void; and proceed to give the reasons for my opinion.

I begin by quoting Mr. Webster against himself. In an Address to the people of the United States, from the Massachusetts Anti-Texas State Convention, January 29th, 1845, the subjoined passage, which is understood, or rather, I may say, is now well known, to have been dictated by Mr. Webster himself, may be found:

"But we desire not to be misunderstood. According to our convictions, there is no power in any branch of the Government, or all its branches, to annex foreign territory to this Union. We have made the foregoing remarks only to show, that, if any fair construction could show such a power to exist anywhere, or to be exercised in any form, yet the manner of its exercise now proposed is *destitute of all decent semblance of constitutional propriety.*"

Thus cancelling the authority of Mr. Webster in 1850 by the authority of Mr. Webster in 1845, I proceed with the argument.

Though the annexation of Texas was in pursuance of a void stipulation, yet it is a clear principle of law that when a contract void between the parties, has been *executed* by them, it cannot then be annulled. If executed, it becomes valid, not by virtue of the contract, but by virtue of the execution. I bow to this legal principle, and would fulfil it. But any independent stipulation which remains unexecuted, remains invalid. Such is that part of the annexation resolutions which provides for the admission of a brood of Texan States. The resolutions themselves say, in express terms, that the new States are to be admitted "under the provisions of the Federal Constitution;", and the Constitution says, "New States may be admitted *by the Congress* into this Union." By what Congress? Plainly, by the Congress in session at the time when application for admission is made; and by no other. The fourth Texan State may not be ready for admission for fifty years to come; and could the Congress of 1845 bind the Congress of 1900? The Congress of 1900 and all future Congresess, will derive their authority from the Constitution of the United States, and not from any preceding Congress. Put the case in a negative form. Could the Congress of 1845 bind all future Congresses *not* to admit new States, and thus, *pro tanto*, annul the Constitution? Positive or negative, the result is the same. No previous Congress, on such a subject, can enlarge or limit the power of a subsequent one. Whenever, therefore, the question of a new Texan State comes up for consideration, the Congress *then in being* must decide it on its own merits, untrammeled by anything their predecessors have done; and, especially, free from a law which, while similar in spirit, is a thousand times more odious in principle than statutes of mortmain.

Admitting that a future Congress, on such a subject, might be bound by a *treaty*, I answer that there was no treaty; while the fact that a treaty clause was introduced into the resolutions, in the Senate, for the sake of obtaining certain votes that would never otherwise have been given in their favor, and under an express pledge from the Executive that the method by treaty should be adopted, which pledge was forthwith iniquitously broken, leaves no element of baseness and fraud by which this proceeding was not contaminated. In the name of the Constitution, then, and of justice, let every honest man denounce those resolutions as void alike in the forum of law and in the forum of conscience; and, admitting Texas herself to be in the Union, yet, when application is made for any new State from that territory, let the question be decided upon the merits it may then possess.

And was not Mr. Webster of the same opinion, when, in Faneuil Hall, in November, 1845, after the Resolutions of Annexation had passed, he made the following emphatic, but unprophetic, declaration:

"It is thought, it is an idea I do not say how well founded, that there may yet be a hope for resistance to the consummation of the act of annexation. I can only say for one that *if it should fall to my lot to have a vote on such a question*, AND I VOTE FOR THE ADMISSION INTO THIS UNION OF ANY STATE WITH A CONSTITUTION WHICH PROHIBITS EVEN THE LEGISLATURE FROM EVER SETTING THE BONDMEN FREE, I SHALL NEVER SHOW MY HEAD AGAIN, DEPEND UPON IT, IN FANEUIL HALL."

There is another objection to any future claim of Texas to be divided into States, which grows out of her own neglect to fulfil the terms and spirit of the agreement. In the "territory north of the Missouri Compromise line, slavery or involuntary servitude, (except for crime,) shall be prohibited." So reads the bond. But if Texas suffers slavery to be extended over that part of her territory, then, when it becomes populous enough for admission, and is overspread with slavery, a new State may present a free Constitution, be admitted by Congress, and before the slaves have time to escape, or to carry the ques-

tion of freedom before the judicial tribunals, *Presto!* this free Constitution will be changed into a slave Constitution, under the alleged right of a State to decide upon its own domestic institutions, and thus the word of promise which was kept to the ear, will be broken to the hope. If Texas meant to abide by the resolutions of annexation, and to claim anything under them, it was her clear and imperative duty forthwith to pass a law, securing freedom to every inhabitant north of the Compromise line. In this way only can the resolutions be executed in their true spirit. That territory is now in the condition of an egg. It is undergoing incubation. From it a State is hereafter to be hatched; but before promising to accept the chick, it would be agreeable to know whether a viper had impregnated the egg.

But there is a still further objection, of whose soundness I have no doubt; but should I be in error in regard to it, the mistake will not invalidate any other argument. The parties to that agreement stipulated on the ground of mutuality, without which all contracts are void. Some States were to be admitted to strengthen the hands of slavery, and some of freedom. A line of demarcation was drawn. Now, on investigation, I believe it will most conclusively appear that there is not an inch of Texan territory north of the stipulated line. It all belongs to New Mexico, as much as Nantucket or Berkshire belongs to Massachusetts. It was a mistake on the part of the contracting parties; if, on the part of Texas, it was not something worse than a mistake. The mutuality, then, fails. The contract is *nudum pactum*. Texas can give nothing for what she was to receive; and is, therefore, entitled to receive nothing but what she has got.

In regard to "the business of seeing that fugitives are delivered up," Mr. Webster says: "My friend at the head of the Judiciary Committee, [Mr. Butler of South Carolina,] has a bill on the subject now before the Senate, with some amendments to it, which I propose to support, with all its provisions, to the fullest extent."

Here is Mr. Butler's bill, with Mr. Mason's amendments:

A BILL

To provide for the more effectual execution of the 3d clause of the 2d section of the 4th article of the Constitution of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when a person held to service or labor in any State or Territory of the United States, under the laws of such State or Territory, shall escape into any other of the said States or Territories, the person to whom such service or labor may be due, his or her agent or attorney, is hereby empowered to seize or arrest such fugitive from service or labor and take him or her before any judge of the circuit or district courts of the United States, or before any commissioner, or clerk of such courts, or marshal thereof, or any postmaster of the United States, or collector of the customs of the United States, residing or being within such State wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such judge, commissioner, clerk, marshal, postmaster, or collector, as the case may be, either by oral testimony or affidavit taken before and certified by any person authorized to administer an oath under the laws of the United States, or of any State, that the person so seized or arrested, under the laws of the State or Territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge, commissioner, clerk, marshal, postmaster, or collector, to give a certificate thereof to such claimant, his or her agent or attorney, which certificate shall be a sufficient warrant for taking and removing such fugitive from service or labor to the State or Territory from which he or she fled.

Sec. 2. *And be it further enacted*, That when a person held to service or labor, as mentioned in the first section of this act, shall escape from such service or labor, as therein mentioned, the person to whom such service or labor may be due, his or her agent or attorney, may apply to any one of the officers of the United States named in said section, other than a marshal of the United States, for a warrant to seize and arrest such fugitive, and upon affidavit being made before such officer, (each of whom for the purposes of this act is hereby authorized to administer an oath or affirmation,) by such claimant, his or her agent, that such person does, under the laws of the State or Territory from which he or she fled, owe service or labor to such claimant, it shall be, and is hereby made, the duty of such officer, to and before whom such application and affidavit is made, to issue his warrant to any marshal of any of the courts of the United States to seize and arrest such alleged fugitive, and to bring him or her forthwith, or on a day to be named in such warrant, before the officer issuing such warrant, or either of the officers mentioned in said first section, except the marshal to whom the said warrant is directed, which said warrant or authority the said marshal is hereby authorized and directed in all things to obey.

Sec. 3. *And be it further enacted*, That upon affidavit made as aforesaid by the claimant of such fugitive his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession, before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to said claimant, his agent or attorney. And to this end, the officer aforesaid is hereby authorized and required to employ so many persons as he may deem necessary to overcome such force, and to retain them in his service so long as circumstances may require. The said officer and his assistants, while so employed, to receive the same compensation and to be allowed the same expenses as are now allowed by law for transportation of criminals, to be certified by the judge of the district within which the arrest is made, and paid out of the treasury of the United States: *Provided*, That, before such charges are incurred, the claimant, his agent or attorney, shall secure to said officer payment of the same, and in case no actual force be opposed, then they shall be paid by such claimant, his agent or attorney.

Sec. 4. *And be it further enacted*, When a warrant shall have been issued by any of the officers under the second section of this act, and there shall be no marshal or deputy marshal within ten miles of the place where such warrant is issued, it shall be the duty of the officer issuing the same, at the request of the claimant, his agent or attorney, to appoint some fit and discreet person, who shall be willing to act as marshal, for the purpose of executing said warrant; and such person so appointed shall, to the extent of executing said warrant, and detaining and transporting the fugitive named therein, have all the power and authority, and be, with his assistants, entitled to the same compensation and expenses provided in this act in cases where the services are performed by the marshals of the courts.

Sec. 5. *And be it further enacted*, That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney, or any person or persons assisting him, her, or them, in so serving or arresting such fugitive from service or labor, or shall rescue such fugitive from such claimant, his agent or attorney, when so arrested, pursuant to the authority herein given or declared, or shall aid, abet, or assist such person so owing service or labor to escape from such claimant, his agent or attorney, or shall harbor or conceal such person, after notice that he or she was a fugitive from labor, as aforesaid, shall, for either of the said offences, forfeit and pay the sum of one thousand dollars, which penalty may be recovered by and for the benefit of such claimant, by action of debt in any court proper to try the same, saving, moreover, to the person claiming such labor or service, his right of action for, on account of, the said injuries, or either of them.

Sec. 6. *And be it further enacted*, That when said person is seized or arrested, under and by virtue of the said warrant by such marshal, and is brought before either of the officers aforesaid, other than the said marshal, it shall be duty of such officer to proceed in the case of such person, in the same way as he is directed and authorized to do when such person is seized and arrested by the person claiming

him, or by his or her agent or attorney, and is brought before such officer under the provisions of the first section of this act.

AMENDMENTS

intended to be proposed by Mr. Mason to the bill (S. 23) *to provide for the more effectual execution of the third clause of the second section of the fourth article of the Constitution of the United States*

At the end of section 5, add:

And any person or persons offending against the provisions of this section, to be moreover deemed guilty of a misdemeanor, or in obstructing the due execution of the laws of the United States, and upon conviction thereof shall be fined in the sum of one thousand dollars, one half whereof shall be to the use of the informer; and shall also be imprisoned for the term of twelve months.

At the end of section 6, add:

And in no trial or hearing under this act shall the testimony of such fugitive be admitted in evidence.

It will be observed that the first section of the bill, after constituting the judges of the courts, the seventeen thousand postmasters, the collectors, &c., as tribunals, *without appeal*, for the delivery of anybody, who is sworn by anybody, anywhere, to be a fugitive slave, refers to the beforementioned officers in the words "residing or being within such State where such seizure or arrest is made." That is, the judge, postmaster, collector, &c., need not be an inhabitant of the State, or hold his office in the State, where the seizure is made; but it is sufficient if he is such officer anywhere within the United States. Mr. Butler or Mr. Mason, therefore, may send the postmaster of his own city or village, into Massachusetts, with an agent or attorney, who brings his affidavit from South Carolina or Virginia, in his pocket; the agent or attorney may arrest anybody, at any time, carry him before his accomplice, go through with the judicial forms, and hurry him to the South; the officer, after his judicial functions are discharged, turning bailiff, protecting the prey and speeding the flight!

Still further; this bill derides the trial, by jury, secured by the Constitution. A man may not lose a horse without a right to this trial; but he may his freedom. Mr. Webster spoke for the South and for slavery; not for the North and for freedom, when he abandoned this right. Such an abandonment, it would be impossible to believe of one who has earned such fame as Defender of the Constitution; it would be more reasonable to suppose the existence of some strange misapprehension, had not Mr. Webster, with that precision and strength which are so peculiarly his own, declared his determination to support this hideous bill, "with all its provisions to the fullest extent," when, at the same moment, another bill, of which he took no notice, was pending before the Senate, introduced by Mr. Seward of New York, securing the invaluable privilege of a jury trial.

I disdain to avail myself, in a sober argument, of the popular sensitiveness on this subject; and I acknowledge my obligations to the Constitution while it is suffered to last. But still I say, that the man who can read this bill without having his blood boil in his veins, has a power of refrigeration that would cool the tropics.

I cannot doubt that Mr. Webster will yet see the necessity of reconsidering his position, on this whole question.

Mr. Webster says: "It is my firm opinion, this day, that within the last twenty years as much money has been collected and paid to the abolition societies, abolition presses, and abolition lecturers, as would purchase the freedom of every slave, man, woman, and child, in the State of Maryland, and send them all to Liberia."

The total number of slaves in Maryland, according to the last census, amounted to 89,405. At $250 apiece,—which is but about half the value commonly assigned to Southern slaves by Southern men,—this would be $22,373,750. Allowing $30 each for transportation to Liberia, without any provision for them after their arrival there, the whole sum would be $25,058,600—in round numbers twenty-five millions of dollars! more than a million and a quarter in each year, and about thirty-five hundred dollars per day. I had not supposed the abolitionists had such resources at their command.

I have dwelt thus long upon Mr. Webster's speech, because in connection with his two votes in favor of Mr. Foote's committee of compromise, which votes, had they been the other way, would have utterly defeated the committee, it is considered to have done more to jeopard the great cause of freedom in the territories, than any other event of this disastrous session. I have spoken of Mr. Webster by name, and, I trust, in none but respectful terms. I might have introduced other names, or examined his positions without mentioning him. I have taken what seemed to me the more manly course; and if these views should ever by chance fall under his eye, I believe he has magnanimity enough to respect me more for the frankness I have used. If I am wrong, I will not add to an error of judgment, the meanness of a clandestine attack. If I am right, no one can complain; for we must all bow before the majesty of Truth.

I have now noticed the principal events which have taken place in Congress, and which have led to what military men would call the "demoralization" of many of the rank and file of its members. Some recent movements have brought vividly to mind certain historical recollections in regard to the African slave trade, now execrated by all civilized nations. When the immortal Wilberforce exposed to public gaze the secrets of that horrid traffic, his biographer says, "The first burst of generous indignation promised nothing less than the instant abolition of the trade, but *mercantile* jealousy had taken the alarm, and the defenders of the West India system found themselves strengthened by the independent alliance of *commercial* men."—*Life of Wilberforce, vol. I, page* 291.

Again; opposition to Wilberforce's motion "arose amongst the Guinea *merchants*"—"reinforced, however, before long by the great body of West India planters."—*Ibid.*

The Corporation of Liverpool spent, first and last, upwards of £10,000 in defence of a traffic which even the gravity and calmness of judicial decisions have since pronounced "infernal."

"Besides printing works in defence of the slave trade and remunerating their authors; paying the expenses of delegates to attend in London

and watch Mr. Wilberforce's proceedings, they pensioned the widows of Norris and Green, and voted plate to Mr. Penny, for their exertions in this cause."—*Ibid., page* 345.

It is said that the Corporation of Liverpool, at this time, "believed firmly that the very existence of the city depended upon the continuance of the traffic." Look at Liverpool now, and reflect what greater rewards, even of a temporal nature, God reserves for men that abjure dishonesty and crime.

All collateral motives were brought to bear upon the subject, just as they are at the present time. The Guinea trade was defended "as a nursery for seamen."—*Ibid., page* 293.

Even as late as 1816, the same class of men, in the same country, opposed the abolition of "white slavery" in Algiers, from the same base motives of interest. It was thought that the danger of navigating the Mediterranean, caused by the Barbary corsairs, was advantageous to British commerce; because it might deter the merchant ships of other nations from visiting it. After Lord Exmouth had compelled the Algerines to liberate their European slaves, he proceeded against Tunis and Tripoli. In giving an account of what he had done, he defends his conduct "upon general principles," but adds, "as applying to our own country, [Great Britain,] it may not be borne out, *the old mercantile interest being against it.*"—*Osler's Life of Exmouth, page* 303.

So after Admiral Blake, in the time of Cromwell, had attacked Tunis, he says, in his despatch to Secretary Thurloe, "And now seeing it hath pleased God soe signally to justify us herein, I hope his highness will not be offended at it, nor any who regard duly the honor of the nation, *although I expect to have the clamors of* INTERESTED MEN."—*Thurloe's State Papers, Vol II, page* 390.

And is Commerce, the daughter of Freedom, thus forever to lift her parricidal hand against the parent that bore her? Are rich men forever to use their "thirty pieces of silver," or their "ten thousand pounds sterling," or their hundreds of thousands of dollars, to reward the Judases for betraying their Savior? Viewed by the light of our increased knowledge, and by our more elevated standard of duty, the extension of slavery into California or New Mexico, at the present time, or even the sufferance of it there, is a vastly greater crime than was the African slave trade itself, in the last century; and I would rather meet the doom of posterity, or of heaven, for being engaged in the traffic then, than for being accessary to its propagation now.

Let those who aid, abet, or connive at slavery extension now, as they read the damning sentence which history has awarded against the actors, abettors and connivers of the African trade, *but change the names*, and they will be reading of themselves. Should our new territories be hereafter filled with groaning bondmen, should they become an American Egypt, tyrannized over by ten thousand Pharaohs, it will be no defence for those who permitted it, to say, "We hoped, we supposed, we trusted, that slavery could not go there;" Nemesis, as she plies her scorpion lash, will reply, "*You might have made it certain.*"

On this great question of freedom or slavery, I have observed with grief, nay, with anguish, that we, at the North, break up into hostile parties, hurl criminations and recriminations to and fro, and expend that strength for the ruin of each other, which should be directed against the enemies of Liberty; while, at the South, whenever slavery is in jeopardy, all party lines are obliterated, dissensions are healed, enemies become friends, and all are found in a solid column, with an unbroken front. Are the children of darkness to be forever *so much* wiser than the children of light? In the recent choice of delegates for the Nashville Convention, I have not seen a single instance where Whig and Democrat have not been chosen as though they were Siamese twins, and must go together. But here it often happens, that as soon as one party is known to be in favor of one man, this act alone is deemed a sufficient reason why another party should oppose him. Why can we not combine for the sacred cause of freedom, as they combine for slavery? No thought or desire is further from my mind than that of interfering with any man's right of suffrage; but if, (which is by no means impossible, nor perhaps improbable,) the fate of New Mexico should be decided by one vote, and my vote should have been the cause of a vacancy in any Congressional district that might have sent a friend to freedom, I should say, with Cain "My punishment is greater than I can bear."

On the subject of the present alienation and discord between the North and the South, I wish to say that I have as strong a desire for reconciliation and amity as any one can have. There is no *pecuniary* sacrifice within the limits of the Constitution, which I would not willingly make for so desirable an object. Public revenues would appropriate, private taxation I would endure, to relieve this otherwise thrice-glorious Republic from the calamity and the wrong of slavery. I would not only resist the devil, but if he will flee from me, I will build a bridge of gold to facilitate his escape. I mention this to prove that it is not the value, *in money*, of territorial freedom, for which I contend, but its value in *character, in justice, in human happiness.* While I utterly deny the claim set up by the South, yet I would gladly consent that my Southern fellow-citizens should go to the territories and carry their every kind of property which I can carry; I would then give to the Southern States their full share of all the income ever to be derived from the sales of the public lands, or the leasing of the public mines; and whatever, after this deduction was left in the public treasury, should be appropriated for the whole nation, as has been the practice heretofore. That is, in consideration of excluding slavery from the territories, I would give the South a double share, or even a threefold share, of all the income that may ever be derived from them. Pecuniary surrenders I would gladly make for the sake of peace, but not a peace itself would I surrender Liberty.

It would be to suppose our merchant and manufacturers void of common foresight, could they believe that concession now will bring security hereafter. By yielding the moral question, they

jeopard their pecuniary interests. Should the South succeed in their present attempt upon the territories, they will impatiently await the retirement of Gen. Taylor from the Executive Chair, to add the "State of Cuba," with its 500,000 slaves, its ignorance and its demoralization, to their roll of triumph. California will be a free trade State, by the most certain of all biases. They will have nothing to sell but gold; they will have everything to buy,—cradles and coffins, and all between. If New Mexico is slave, it will also be free trade; and Cuba as certainly as either,—though in that island facilities for smuggling will reduce the difference between tariff and free trade to nothing. A surrender therefore, by our Northern business men, will be most disastrous to the very business that tempts them to surrender. Will they take no warning from the fact that their apathy in regard to Texas repealed the tariff of 1842? This is a low motive, I admit; but it may be set as a back-fire to the motive by which some of them appear to be influenced. There was no need, not a shadow of need, of perilling any principle, nor any interest. Had the North stood firm, had they been true to the great principles they have so often and so solemnly proclaimed, the waves of Southern violence would have struck harmless at their feet. He is not learned in the weather who does not know that storms from the South, though violent, are short. We are assailed now because we have yielded before. The compromise of 1820 begat the nullification of 1832; the compromise of 1832 inspired the mad exploit of compassing Texas, which our greater madness made sane. The moral paralysis which failed to oppose the Mexican war, has given us the territories. If the territories are now surrendered, we shall have Cuba, and an indefinite career of conquest and of slavery will be opened on our Southwestern border. Every new concession transfers strength from our side to the side of our opponents; and if we cannot arrest our own course when we are just entering the rapids, how can we arrest it when we come near the verge of the cataract? The South may rule the Union, but they cannot divide it. Their whole Atlantic seaboard is open to attack, and powerless for defence; and the Mississippi river may as easily be divided physically as politically into independent portions. With these advantages, let us never aggress upon their rights, but let us maintain our own.

Fellow-citizens, I would gladly relieve the darkness of this picture by some gleams of light. There are two hopes which, as yet, are not wholly extinguished in my mind. Beyond all question a compromise bill will be reported by the committee of thirteen, in which free California will be made to carry as great a burden of slavery as she can bear. It is still *possible* that the House will treat as it deserves this adulterous union. A single vote may turn the scale, and Massachusetts may give that vote. Not improbably, too, the fate of the bill may depend upon the earnestness and decision with which Northern constituencies make their sentiments known to their representatives, whether by petitions, by private letters, or by public resolutions. Let every lover of freedom do his best and his most.

Should the North fail, I have still one hope more. It is that New Mexico will do for herself what we shall have basely failed to do for her. If both these hopes fail, our country is doomed to run its unobstructed career of conquest, of despotism, and of infamy.

I have now, my fellow-citizens, given you my "Views and Opinions" on the present crisis in our public affairs. Had I regarded my own feelings I should have spoken less at length; but the subject has commanded me. I trust I have spoken respectfully towards those from whom I dissent, while speaking my own sentiments justly and truly. I have used no asperity, for all my emotions have been of grief and not of anger. My words have been cool as the telegraphic wires, while my feelings have been like the lightning that runs through them. The idea that Massachusetts should contribute, or consent, to the extension of Human Slavery!—is it not enough, not merely to arouse the living from their torpor, but the dead from their graves! Were I to help this, nay, did I not oppose it with all the powers and faculties which God has given me, I should see myriads of agonized faces glaring out upon me from the future, more terrible than Duncan's at Macbeth; and I would rather feel an assassin's poignard in my breast than forever hereafter to see "the air-drawn dagger" of a guilty imagination. In Massachusetts, the great drama of the Revolution began. Some of its heroes yet survive amongst us. At Lexington, at Concord, and on Bunker Hill, the grass still grows greener where the soil was fattened with the blood of our fathers. If, in the providence of God, we must be vanquished in this contest, let it be by force of the overmastering and inscrutable powers above us, and not by our own base desertion.

I am, gentlemen, your much honored, obliged, and obedient servant,

HORACE MANN.

LETTER II.

To the Editors of the Boston Atlas;

GENTLEMEN; Your semi-weekly of the 1st inst. contains a letter of the Hon. Daniel Webster, in which he has been pleased to refer to me. I wish to reply. To prevent all chance of mistake, I quote the following passages:

"But, at the same time, nothing is more false than that such jury trial is demanded in cases of this kind by the Constitution, either in its letter or in its spirit. The Constitution declares that in all criminal prosecutions there shall be a trial by jury. The claiming of a fugitive slave is not a criminal prosecution.

"The Constitution also declares that in suits at common law the trial by jury shall be preserved; the reclaiming of a fugitive slave is not a suit at the common law; and there is no other clause or sentence in the Constitution having the least bearing on the subject.

"I have seen a publication by Mr. Horace Mann, a member of Congress from Massachusetts, in which I find this sentence. Speaking of the bill before the House, he says: 'This bill derides the trial by jury secured by the Constitution. A man may not lose his horse without a right to this trial, but he may lose his freedom. Mr. Webster speaks for the South and for slavery, not for the North and for freedom, when he abandons this right.' This personal vituperation does not annoy me, but I lament to see a public man of Massachusetts so crude and confused in his legal apprehensions, and so little acquainted with the Constituion of his country, as these opinions evince Mr. Mann to be. His citation of

a supposed case, as in point, if it have any analogy to the matter, would prove that, if Mr. Mann's horse stray into his neighbor's field, *he cannot lead him back without a previous trial by jury to ascertain the right.* Truly, if what Mr. Mann says of the provisions of the Constitution in this publication be a test of his accuracy in the understanding of that instrument, he would do well not to seek to protect his peculiar notions under its sanction, but to appeal at once, as others do, to that higher authority which sits enthroned above the Constitution and above the law."

I must deny this charge of "personal vituperation," and I regret that Mr. Webster, while disclaiming "annoyance" at what I said, should betray it. I believe every part of my "Letter" to be within the bounds of courteous and respectful discussion. There is nothing in it which might not pass between gentlemen, without interrupting relations of civility and friendship. Though full of regret at his novel position, and of dissent from his unwonted doctrines, yet it abounds in proofs of deference to himself. I must now, however, be permitted to add that the highest eminence becomes unenviable, when it breeds intolerance of dissent, or bars out the humblest man from a free expression of opinion.

Mr. Webster "laments to see a public man of Massachusetts so crude and confused in his legal apprehensions, and so little acquainted with the Constitution of his country, as these opinions evince Mr. Mann to be." Yet he points out no error of opinion. He specifies nothing as unsound. He presents no information, indictment, bill of particulars, or even the "common counts." Judgment and condemnation alone appear. He seems to have taken it for granted that he had only to say I was guilty, and then proceed to punish. I protest against and impugn this method of proceeding, by any man, however high, against any man, however humble.

When Mr. Webster penned his "lamentations" over my crudeness, confusion, and ignorance, he doubtless meant to deal me a mortal blow. The blow was certainly heavy; but the question still remains, *whether it hit.* Polyphemus struck hard blows, but his blindness left the objects of his passions unharmed.

But wherein do those erroneous "opinions" consist, which Mr. Webster does not deign to specify, but assumes to condemn? Fortunately, in writing the sentence which he quotes for animadversion, I followed the precise meaning of Judge Story, as laid down in his Commentaries; and in regard to the only point which is open to a question, *I took the exact words* of that great jurist. He speaks of "the right of a trial by jury, in civil cases," as an existing right *before* the seventh article of amendment to the Constitution, which *preserves this right* "in suits at common law," had been adopted.—3 Comm., 628. Instead of transcribing Judge Story's words, "in civil cases," which present no distinct image to common minds, I supposed the every-day case of litigation respecting a horse, which is a "civil case;" and this difference of form is the only difference between my language and that of the learned Judge. I can wish Mr. Webster no more fitting retribution, after reposing from this ill tempered attack upon me, than to awake and find that it was Judge Story whom he had been maligning.

Does not the authority of Judge Blackstone also support my position?

"Recapture or reprisal," says he, "is another species of remedy, by the mere act of the party injured. * * * But as the public peace is a superior consideration to any one man's private property; and as, if individuals were once allowed to use private force as a remedy for private injuries, all social justice must cease, the strong would give law to the weak, and every man would revert to a state of nature; for these reasons it is provided that this natural right of recaption shall never be exerted, where such exertion must occasion strife and bodily contention, or endanger the peace of society. If, for instance, my horse is taken away, and I find him in a common, a fair, or a public inn, I may lawfully seize him to my own use; but I cannot justify breaking open a private stable, *or entering on the grounds of a third person, to take him,* should he be feloniously stolen; *but must have recourse to an action at law.*"—3 *Com.*, 4-5.

But the opinion expressed by me on this point does not need the authority of any name to support it; and the illustration which I gave is not only intelligible to every sensible man, but is also apposite. I said "a man may not lose his horse [his property in a horse] without a right to this trial." Mr. Webster's comment is, that this case, "if it have any analogy to the matter," means, that if a man's horse "stray into his neighbor's field, *he cannot lead him back without a previous trial by jury to ascertain the right.*" Was ever the plain meaning of a sentence more exactly changed about, end for end? Mr. Webster may pitch summersets with his own doctrines, but he has no right to pitch them with mine. I said a man may not *lose* his horse, or his property in a horse, without a right to the trial by jury. He says I said, a man cannot *find* or *retake* a lost horse, without a previous trial! *Dulce est desipere in loco.* Or, it is pleasant to see a grave Senator play upon words; though there must be some wit to redeem it from puerility.

But the childishness of this criticism is not its worst feature. What is the great *truth* which Mr. Webster and his apologists attempt here to ridicule? It is that, while every man amongst us, in regard to any piece of property worth more than twenty dollars, of which violence or fraud may attempt to despoil him, has a right to a trial by jury, yet a man's freedom, and that of his posterity forever, may be wrested from him, as our law now stands, without such a trial. Does not this hold a man's freedom to be of less value than twenty dollars? If two adverse claimants contest title to an alleged slave, whose market value is more than this sum, each is entitled to a jury to try the fact of ownership. But if the alleged slave declares here, in Massachusetts, that he owns himself, he is debarred from this right. And this truth, or a common illustration of it, Mr. Webster and his apologists think a suitable topic for sneers or pleasantry! A foreign proverb says, that for a man to kill his mother *is not in good taste.* I trust the moral and religious people of Massachusetts have too much *good taste* to relish jokes on such a theme.

MR. BUTLER'S BILL, OR KIDNAPPING MADE EASY.

I said that Mr. Butler's bill "derides" the trial by jury. By that bill every commissioner and clerk of a United States court, every marshal and collector of the customs, and the seventeen thousand postmasters of the United States, are severally invested with jurisdiction and authority

in all parts of the United States, to deliver any man, woman, or child in the United States, into custody, as a slave, on the strength of an *ex parte* affidavit, made anywhere in the United States. This affidavit may have been made a thousand miles off, by no one knows whom, and certified to by a person who never saw or heard of the individual named in it. A forged affidavit, or a fictitious affidavit would often answer the purpose as well; for how difficult, and in many cases, how impossible, to prove its spuriousness. Did oppression ever before conceive such a tribunal, so countless in numbers, so ample in jurisdiction, so formidable in power? Had a bill similar to this been proposed in the British Parliament, from 1763 to 1776, what would our Fathers have said of it? Yet this bill, with some kindred amendments, heightening its features of atrocity, Mr. Webster promised "to support, with all its provisions, to the fullest extent."

What aggravates the wrong, is, that the cruelties of the measure would fall upon the poor, the helpless, the ignorant, the unfriended. The bill would have been far less disgraceful, had its provisions borne upon the men who should pass it; because, in such case, there would have been a touch of equality. Now, if this bill does not "*deride*" all guaranties for the protection of human liberty, it is only because my word of reprobation is too weak. It is only because one needs "to tear a leaf from the curse-book of Pandemonium" in order to describe it by fitting epithets.

Another remarkable feature of Mr. Butler's bill, is, that it provides no penalty whatever for any one who shall abuse, or fraudulently use the dangerous authority which it gives. It furnishes endless temptations and facilities for committing wrong; it imposes no restraints; it warns by no threats of retribution.

Mr. Webster calls me to account for some unspecified erroneous "opinion," expressed in relation to this bill. Can any opinion be so false to the Constitution, as this bill to humanity? I deprecate error of all sorts; but hold it to be more venial to err in judgment than in heart.

I said that in promising to support Mr. Butler's bill, "with all its provisions to the fullest extent," Mr. Webster "abandoned" the right to a trial by jury. I spoke of him as a Senator, as one who, with his co-legislators, has full right and power under the Constitution, to secure this form of trial to the alleged slave, or to a known freeman seized as a slave. Mr. Seward's bill, providing for the trial by jury, in such cases, was before him. He took no notice of it. He passed by "on the other side," while he bestowed his best encomium on Mr. Butler's bill, by promising to support it. Was not this an "abandonment," under all the synonymes given in the dictionary?

HIGHER POWERS, AND LOWER.

Mr. Webster advises me, in a certain contingency, "to appeal to that higher authority which sits enthroned above the Constitution and above the law." I take no exception to this counsel, because of its officiousness, but would thank him for it. My ideas of duty require me to seek anxiously for the true interpretation of the Constitution, and then to abide by it, unswayed by hopes or fears. If the Constitution requires me to do anything which my sense of duty forbids, I shall save my conscience by resigning my office. I am free, however, to say, that if, in the discharge of my political duties, I should transfer my allegiance to any other power, I should adopt Mr. Webster's advice, and go to the power "which sits enthroned above," rather than to descend to that opposite realm, whence the bill he so cordially promised to support, must have emerged.

I wish, however, to remark, that though I acknowledge the Constitution to be my guide while under oath to support it, yet I do not relish any fling either at the powers above us, or at those who reverence them. I hold it be not only proper, but proof of sound moral and religious feeling, to look to the perfect law of God for light to enable us more justly to interpret the imperfect laws of man. Especially, when we are proposing to make or amend a law, ought we to take our gauge of purpose and of action from the highest standard.

Noy, that Solomon of the law, thought it not improper to say: "The inferior law must give place to the superior; man's laws to God's laws."—*Maxims*, pp. 6—7.

"The law of Nature," says Blackstone, "being coeval with mankind, and dictated by God himself, is, of course, superior in obligation to any other. It is binding all over the globe; in all countries, at all times. No human laws have any validity, if contrary to this; and such of them as are valid, derive all their force and all their authority, mediately or immediately from this original."—1 *Com.*, 41.

Fortescue, the Chancellor of Henry VI, in his *de Laudibus Legum Angliæ*, cap. 42, has the following passage, the consideration of which, in requital for Mr. Webster's advice to me, I respectfully commend to him:

"That must necessarily be adjudged a cruel law, which augments slavery, and diminishes Liberty. For Human Nature imp'ores without ceasing for Liberty. Slavery is introduced by man, and through his vice. But Liberty is the gift of God to man. Wherefore, when torn from a man, it ever yearns to return; and it is the same with everything when deprived of its natural Liberty. On this account, that man is to be adjudged cruel, who does not favor Liberty. By these considerations the Laws of England, in every case, give favor to Liberty."—*Cap.* 42.

CONSTITUTIONAL PROVISIONS FOR TRIAL BY JURY, WITH HISTORICAL REFERENCES.

I. *Where Congress has power to provide for such trial.*

II. *Where it is the duty of Congress to do so.*

Having defended my own propositions, I shall now take the liberty to examine some of Mr. Webster's.

He says "the Constitution declares that in all criminal prosecutions, there shall be a trial by jury;" and that, "in suits at common law the trial by jury shall be preserved." He then adds, "there is no other clause or sentence in the Constitution having the least bearing upon the subject." Mark his words: "There is no other clause or sentence in the Constitution, *having the least bearing on the subject.*" This I deny.

Here Mr. Webster virtually declares that, but for the above-named two provisions, the right of the trial by jury would not have been secured to us by the Constitution in any case. Of course, Congress would have been under no obligation, nor would it have had any power, to provide by law for such trials.

Were I to say that this assertion borders on the incredible, one might well ask, which side of the line does it lie?

The provision for a trial by jury, *in criminal prosecutions*, is in the third clause of the second section of the third article, and is repeated, and somewhat enlarged, in the fifth and sixth articles of amendment.

But the provision for trial by jury, *in suits at common law*, is in the seventh article of amendment; and neither this provision, nor any semblance of it, is to be found, in express words, in any part of the Constitution as it came from the hands of its framers, and was adopted by the States.

According to Mr. Webster, then, Congress were under no obligation, and had no power, to make a law providing for trial by jury, *except in criminal prosecutions*, until *after* the seventh article of amendment had been ratified; for if they had any such power, or were under any such obligation, it must be by virtue of some clause or sentence in the Constitution, *having a "bearing upon the subject."*

Now, the first session of Congress commenced March 4th, 1789, but this seventh article of amendment was not ratified, and did not become a part of the Constitution, according to Hickey, (Hickey's Con., p. 36,) until December 15, 1791.

Until this time, therefore, according to Mr. Webster, the Constitution had secured no right to a trial by jury, except in the case of *criminal prosecutions;* because, until this time, there was no clause or sentence in it, "having the least bearing on the subject" of jury trials in civil cases.

Yet, on the 24th of September, 1789, *and more than two years previous to the adoption of the seventh amendment*, (by which alone, according to Mr. Webster, they had any power to act in the premises,) Congress did pass the judiciary act; by the ninth, twelfth, and thirteenth sections of which it is provided, that the trial of issues in fact, in the District Courts, in the Circuit Courts, and in the Supreme Court, shall, with certain exceptions, be by jury.

The act also empowers the Courts to grant new trials "for reasons for which new trials have usually been granted in the courts of law." In what courts of law? Did it not mean the Courts in Westminster Hall, and those in this country formed after that ancestral model? And does this show beyond question or cavil, that the principle of the jury trial, *in civil cases*, was incorporated into the Constitution of the United States, originally; and that it was universally understood to be so by its framers, and by their contemporaries, the members of the first Congress?

From the Constitution alone, then, and not from any power above it, or outside of it, did Congress derive its power, on the 24th of September, 1789, and more than two years before the seventh amendment was adopted, to pass the Judiciary Act, and to fill it full of the fact and the doctrine of jury trials in civil cases. And if Congress, at that time, had legislated on the subject of fugitive slaves, would it not have had the same power to provide the trial by jury, to determine the question, slave or free, as it had to provide for this mode of trial in other cases?

All the State Conventions for adopting the Constitution, whose debates are preserved, and all the leading men who figured in them, held, contrary to Mr. Webster, that the third article in the Constitution, providing for courts, carried jury trials in civil cases with it. Mr. Marshall, afterwards Chief Justice Marshall, said in the Virginia Convention: "Does the word Court only mean the Judges? Does not the determination of a Jury necessarily lead to the judgment of the Court? Is there anything which gives the judges exclusive jurisdiction of matters of fact? What is the object of a jury trial? To inform the Court of the facts. When a Court has cognizance of facts, does it not follow that they can make inquiry by a jury? It is impossible to be otherwise."—3 *Elliott's Debates*, 506.

The third article in the Virginia Bill of Rights was as follows:

"In controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred."

This article being read in the Convention, Judge Marshall said *the trial by jury was as well secured by the United States Constitution, as by the Virginia bill of rights.—Ib.*, 524. He said this in reference to civil cases.

In the Massachusetts Convention, it was said, without a doubt being expressed from any quarter, that "the word *court* does not, either by popular or technical construction, exclude the use of a jury to try facts. When people in common language talk of a trial at the Court of Common Pleas, or the Supreme Judicial Court, do they not include all the branches and members of such courts, the jurors as well as the judges? They certainly do, whether they mention the jurors expressly or not. Our State legislators have construed the word *court* in the same way."—2 *Elliott's Debates*, 127.

Such was the doctrine maintained by the leading minds in the State Conventions; by Christopher Gore, in Massachusetts; by Judge Wilson, and Chief Justice McKean, in Pennsylvania; by Chief Justice Marshall, Judge Pendleton, and Mr. Madison, in Virginia; by Judge Iredell, in North Carolina, and many other distinguished names.

In the Virginia Convention, objection was made to the Constitution, because it did not *expressly* secure to the accused the privilege of challenging or excepting to jurors in criminal cases. But Mr. Pendleton, the President of the Convention, and for so many years, the highest judicial officer in the State, replied: "When the Constitution says that the trial shall be by jury, does it not say that every incident will go along with it?"—3 *Elliott's Debates*, 497.

So when the Constitution provided for "courts," and defined their jurisdiction, it clearly contemplated the trial by jury, in regard to all such rights of the citizen as had been usually, theretofore, tried by a jury. Congress, indeed, might fail to perform its duty; but in such case, no provisions of the Constitution, however express and peremptory, would secure the rights of the people.

It is perfectly well known to every student of the Constitution, that the only reason why that instrument did not make *express* provision for the trial by jury, in civil cases, was the difficulty of running the dividing line between the many cases that should be so tried, and the few that should not. All were agreed that ninety-nine per cent. of all civil cases should be tried by jury; but they could not agree upon the classes of cases from which the remaining one per cent. should be taken.

In this connection, it is worth while to notice the heading or preamble of the Joint Resolutions for submitting certain proposed amendments of the Constitution to the States, among which was the seventh. It is as follows:

"The Conventions of a number of the States having at the time of their adopting the Constitution expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory or restrictive clauses should be added; and as the extending the ground of public confidence in the Government will best insure the beneficent ends of its institution, RESOLVED," &c.

From this it appears that the first Congress only proposed to submit certain "*further declaratory and restrictive clauses*," "to prevent misconstruction or abuse of its powers." This heading or title, of course, does not enlarge or limit the meaning of the amendments; but it shows the view of their scope and intendment which their authors held. But what is the seventh amendment but a "declaratory and restrictive clause," securing the trial by jury, in cases at common law, "where the value in controversy shall exceed twenty dollars," and abandoning it where the value is less?

The phraseology of the amendment is full of significance: "The right of trial by jury shall be preserved." Not created, but preserved. Not instituted *de novo*, but continued. How can a right be *preserved*, which does not already *exist?*

In speaking of the trial by jury, in criminal cases, Judge Story uses the same word. He says it was "preserved." In neither class of cases, civil or criminal, was it ever abandoned or lost, through the fault of the Constitution. If not always enjoyed by the citizen, it has been through the dereliction of Congress in not passing the requisite laws.

The great men who submitted this seventh amendment to the States, treated the trial by jury, in civil cases, as a then subsisting constitutional right. They passed a law, to put the practical enjoyment of this right into the hands of the people, well knowing that there is scarcely a right which we hold under the Constitution which we can beneficially possess or use, without the intervention of some law, as its channel or medium.

Suppose this seventh amendment had never been adopted, on what ground would the trial by jury, in civil cases, have rested up to the present day?

In asserting, therefore, that, besides the references he has made, there is not another "clause or sentence in the Constitution, *having the least bearing on the subject*" of jury trials, Mr. Webster is contradicted by the members of the General Convention, by the State Conventions, by the Senators and Representatives, who passed the Judiciary act, by President Washington who signed it, and by all the judges who administered that act until the seventh amendment was adopted.

II. *Where it is the duty of Congress to provide for trial by jury.*

But another of Mr. Webster's assertions is still more extraordinary. He says "nothing is more false than that such jury trial [a trial by jury for an alleged slave, or for a freeman claimed as a slave,] is demanded by the Constitution, either in its letter or in its spirit."

I make a preliminary remark upon the amazing untruth embodied in the form of this proposition.

"*Nothing is more false;*" that is, if I, or any one, had affirmed that our Constitution forbids trial by jury, in all cases, under penalty of death; or that it creates a hereditary despotism; or that it establishes the Catholic religion with the accompaniment of an inquisition for each State; or that it does all these things together; it would not be more "*false*" to the "*spirit*" of the Constitution, than to say that it demands the trial by jury, when a man who is seized as a slave, but who asserts that he is free, invokes its protection.

But this pertains to the *form* only of his assertion. I proceed to inquire whether its substance be not as indefensible as its form.

In another part of Mr. Webster's letter, he says, that he sees "no objection to the provisions of the law" of 1793. Of course, he sees no objection to Mr. Butler's bill, and its amendments; but he prefers them to Mr. Seward's. And he now says, there is nothing in the letter or in the "spirit" of the Constitution, which demands the jury trial for an alleged slave, or for a freeman captured and about to be carried away as a slave.

Feeble and humble as I am, great and formidable as he is, I join issue with him, on this momentous question, and put myself upon the country.

Our Constitution, as the present generation has always been taught, yearns towards liberty and the rights of man. The trial by jury, in the important cases of limb, life, or liberty, is essential to these rights. The two, therefore, have such close affinity for each other, as to render it highly probable, if not morally certain, that the framers of the former would make provision for the latter; that they would lay hold of it, as by a law of instinct, to carry out their beneficent purposes. The trial by jury was necessary to the vitality of the Constitution; and it would hardly be too strong an expression to say that the Constitution, as it came from the hands of its founders, necessitated the trial by jury.

The object for which the Constitution was framed, as set forth in its preamble,—namely, to "establish justice," "promote the general welfare," and "secure the blessings of liberty," to the people.—could never be accomplished without the trial by jury. The preamble is not appealed to as a source of power; but it touches, as by the finger, the objects which it contemplated; it suggests the means by which its beneficent purposes were to be fulfilled, and it indicates the rules of interpretation by which all its provisions are to be expounded.

And not only the objects for which the Constitution professes to exist, but historical facts from

the time of Magna Charta, and before that time; the practice of the English and of our Colonial and Provincial Courts before the Revolution and during the Confederacy;—in fine, all analogies and tendencies of constitutional law, and whatever belongs to ideas of freedom, conspire to force the expectation upon us, that, in a matter of such vast concernment as the life-long liberty or bondage of a man and his offspring, it has *not* left us without the right of trial by jury.

The very first law "for the general good of the Colony of New Plymouth, (1623,)" was, "that all criminal acts, and also all matters of *trespasses* and DEBTS, between man and man, should be tried by the verdict of twelve honest men."

In that fearful array of crimes which the Declaration of Independence charges home upon the King of Great Britain, that sublime instrument enumerates the following as among the most flagitious: "For depriving us, in many cases, of the benefits of trial by jury," and "for protecting his troops, *by a mock trial*, from punishment for any murders which they should commit on the inhabitants of these States."

According to Blackstone, the right to a trial by jury had been held, "time out of mind," to be the birthright of Englishmen. The 29th chapter of the Great Charter guarantied this right, not only in cases of liberty, life, and limb, but in cases of property, real and personal.

In England, it has become a traditional saying, and drops from the common tongue, that the great object of King, Lords, and Commons, is to get twelve men into a jury box.

Judge Story says, "When our more immediate ancestors removed to America, they brought this great privilege with them, *as their birthright and inheritance*, as a part of that admirable common law which had fenced round, and interposed barriers on every side, against the approaches of arbitrary power. It is now incorporated into all our State Constitutions, as a fundamental right; and the Constitution of the United States would have been justly obnoxious to the most conclusive objection, if it had not recognised and confirmed it in the most solemn terms."—3 Com., 652–3.

Is it conceivable, then, that the heroes and sages of the Revolution, who rose in resistance to the most formidable Power on earth; so many of whom rose against their own kindred in the mother country, because they loved liberty better than father or mother, or brother or sister, and who endured the privations and horrors of a seven years' war,—is it conceivable, I say, that, when they had achieved their independence, and there was no longer any earthly power to control them, they should have framed a fundamental law, and should not have imbued that law with the "*spirit*" of the trial by jury, as its breath of life? As British subjects, they were entitled to this trial. As Americans, did they renounce it? Did they wage war for seven years in order to place themselves in a worse condition than they had been placed in by their "tyrant?" Mr. Webster says they did. He charges this infinite folly and blindness upon them singly and collectively, one and all.

DECISIONS OF THE SUPREME COURT.

But, to examine more particularly the phraseology of the seventh amendment. What is the true meaning of those descriptive words, "suits at common law?" Has not Mr. Webster, relying on his high reputation, disposed of this matter a little too summarily? He says, "the Constitution declares that in suits at common law, the trial by jury shall be preserved;" but he adds, "the reclaiming of a fugitive slave is not a suit at common law."

But the Supreme Court of the United States has furnished us with an authoritative interpretation of the words of the Constitution bearing on this subject. In the case of *Cohens* vs. *Virginia*, 6 Wheaton R., 407, they define what is meant by a "suit." These are their words:

"What is a *suit?* We understand it to be the prosecution, or pursuit, of some *claim*, demand, or request. In law language, it is the prosecution of some demand in a court of justice. 'The remedy for every species of wrong, is,' says Judge Blackstone, 'the being put in possession of that right whereof the party injured is deprived.' The instruments whereby this remedy is obtained, are a diversity of *suits* and actions, which are defined by the Mirror to be 'the lawful demand of one's right;' or, as Bracton and Fleta express it, in the words of Justinian, '*jus prosequendi in judicio quod alicui debetur.*'—(the form of prosecuting in trial, or judgment, what is due to any one.) Blackstone then proceeds to describe every species of remedy by suit; and they are all cases where the party suing claims to obtain something to which he has a right.

To commence a suit, is to demand something by the institution of process in a court of justice; and to prosecute the suit, is, according to the common acceptation of language, to continue that demand."

According to the Supreme Court, then, a *suit* is the prosecution of some *claim*, demand, or request. But the proceedings for a fugitive slave, according to the very letter of the Constitution, are instituted to prosecute a *claim*. The person held to service or labor is to be delivered up, "on *claim* of the party to whom such service or labor may be due."

Still further, in a decision bearing directly on the right to a trial by jury, the Supreme Court have defined the term "common law" in special reference to its meaning in the amendment to the Constitution, which secures this right "in suits at common law." These are their words:

"It is well known, that in civil causes, in courts of equity and admiralty, juries do not intervene; and that courts of equity use the trial by jury only in extraordinary cases, to inform the conscience of the court. When, therefore, we find that the [7th] amendment requires, that the right of trial by jury shall be preserved in suits at common law, the natural conclusion is, that this distinction was present to the minds of the framers of the amendment. By *common law* they meant, what the Constitution denominated in the third article 'law;' not merely suits, which the *common* law recognised among its old and settled proceedings; but suits, in which *legal* rights were to be ascertained and determined, in contradistinction to those in which equitable rights alone were recognised, and equitable remedies were administered, or in which, as in the admiralty, a mixture of public law, and of maritime law and equity, was often found in the same suit. Probably there were few, if any, States in the Union, in which some new legal remedies, differing from the old common law forms, were not in use; but in which, however, the trial by jury intervened, and the general regulations in other respects, were according to the course of the common law. Proceedings in cases of partition, and of foreign and domestic attachment, might be cited, as examples variously adopted and modified. *In a just sense, the amendment, then, may well be construed to embrace all suits, which are not of equity or admiralty jurisdiction,* WHATEVER MAY BE THE PECULIAR FORM WHICH THEY MAY ASSUME TO SETTLE LEGAL RIGHTS"—*Parsons* vs. *Bedford*, 3 *Peters's Rep.*, 456–7.

The last sentence I have underscored. In this sentence, the Supreme Court plainly say, that, if the subject-matter of the litigation, or the object of the proceeding, be to determine a "legal right" which was formerly determined by a "suit at common law," then such proceeding is embraced in the seventh amendment, and either party in interest has a right to the trial by jury. Now, is it not clear that any proceeding which determines whether a man owns himself, or is owned by another man, and which delivers one man into the custody of another, as his slave, or refuses so to deliver him, is, "whatever peculiar form it may assume," a proceeding "to settle a legal right,"—the highest legal right? It is not a right in equity, in admiralty, or under the maritime law; but strictly and exclusively a *legal right*, and nothing else. According to the doctrine of the Supreme Court, then, in the above cited case, the parties to such a proceeding have a right, under the seventh amendment, to a trial by jury. At least, is not such the "*spirit*" of the amendment?

But there is another well-known fact, which gives pertinence and stringency to the above view. At common law, the writ *de homine replegiando*,—the writ of personal replevin, or for replevying a man,—was an original writ; a writ which the party could sue out, of right; one to be granted on motion, without showing cause, and which the Court of Chancery could not supersede. It was, according to the very language of our Supreme Court, recognised by the common law "among its old and settled proceedings." The form of it is found in that great arsenal of common law writs, the *Registrum Brevium*. A man, says Comyn, may have a *homine replegiando* for a negro; or for an Indian brought by him into England and detained from him; or it may be brought by an infant against his testamentary guardian; *or by a villein against his lord.* (Dig., Title Imprisonment, L. 4)

If it could be brought by a villein against his lord, then it was the very writ for an alleged slave against an alleging owner. It was the mode provided by the common law for the determination of the *legal right* asserted in a human being. I have always understood that, before the Revolution, and before the framing of our Constitution, Comyn's Digest was a work of the highest authority. It must have been well known to all the lawyers in the Convention. Did they expect, then, that when an alleged slave, or a known freeman, should be seized, that he should be hurried into bondage without any right to this ancient muniment of the subject's liberties?

But "the reclaiming of a fugitive slave," says Mr. Webster, "is not a suit at the common law." The proceedings provided for by the statute of 1793, to which he "sees no objection," have no analogy to the writ *de homine replegiando*. But can you destroy the right to a jury trial by changing the process? A sand-hiller from Georgia or North Carolina, cannot come to Massachusetts and eject Mr. Webster from his Marshfield farm, without being compelled to submit the question of title to a jury. But suppose Congress should say, in effect, that any one of the seventeen thousand postmasters in the United States might be brought into Massachusetts (and, among so numerous a body, it is no libel to say there are some reckless men,) and that the said sand-hiller might go before the said imported postmaster, and after proof "to his satisfaction," "either by oral testimony or by affidavit,"—an affidavit, be it remembered, taken anywhere in the United States,—then the claimant shall be put into immediate possession of the said farm, with a right to recover costs; and suppose Mr. Webster should spurn the authority of this illegitimate Court, and demand an observance of the ancient forms of law, and a trial by jury under the seventh amendment; then the claimant has only to borrow Mr. Webster's own words, and say, "this is not a suit at the common law:"—suppose all this, I say, and I would then ask if such a proceeding would be satisfactory to the last named gentleman? The common sense of mankind is authority good enough to answer such a question, but we have high legal authority in addition.

In *Baker* vs. *Riddle*, Mr. Justice Baldwin, one of the judges of the Supreme Court of the United States, held that it was not in the power of Congress to take away the right of trial by jury, secured by the seventh amendment, neither,—"1. By an organization of the courts in such a manner as not to secure it to suitors;" nor,—"2. By authorizing the courts to exercise, or their assumption of, equity or admiralty jurisdiction over cases at law." "This amendment," says he, "preserves the right of jury trial against any infringement by any department of the Government."—*Baldwin's Rep.*, 404.

Now, what was Mr. Butler's bill, but "a new organization of the courts," or, rather, a new creation of some twenty thousand courts," in such a manner as not to secure [the right of trial by jury] to suitors?" It was, indeed, a violation of both of the principles laid down by Judge Baldwin. It was the creation of tribunals unknown to the common law, and authorizing those tribunals to decide upon rights not belonging to either "equity or admiralty jurisdiction."

In this connection, I will refer to the case of *Lee* vs. *Lee*, 8 *Peters's Rep.*, 44.

By act of Congress, of April 2, 1816, it was declared that no cause should be removed from the Circuit Court of the District of Columbia to the Supreme Court, by appeal or writ of error, "unless the matter in dispute shall be of the value of one thousand dollars or upwards." The plaintiffs in error were claimed as slaves. Their petition for freedom in the court below had been decided against them; and from this decision they appealed. The defendant in error took the objection that they,—their bodies and souls,—were not worth one thousand dollars, and therefore that they had no right to appeal. But the court said:

"The matter in dispute, in this case, is the freedom of the petitioners. The judgment of the court below is against their claims to freedom; the matter in dispute is, therefore, to the plaintiffs in error, the value of their freedom, *and this is not susceptible of a pecuniary valuation.* Had the judgment been in favor of the petitioners, and the writ of error brought by the party claiming to be the owner, the value of the slaves as *property* would have been the matter in dispute, and affidavits might be admitted to ascertain such value. But affidavits estimating the value of freedom are entirely inadmissible; and no doubt is entertained of the jurisdiction of the court."

Now, if the Supreme Court of the United States, in construing a law, felt constrained by their oaths to hold the freedom of a man,—of any man, though he might be a drivelling idiot, or stretched upon his deathbed, with only another hour to breathe,—to be worth more than a thousand dollars, how can a Senator of the United States say, that in passing a law, under which human liberty may be retained or lost, he is not bound at least by the "*spirit*" of the Constitution, if not by its letter, to hold that human liberty to be of greater value than twenty dollars, and therefore to provide the trial by jury for its protection? What can prove more strikingly that Mr. Webster violates the whole "spirit" of the Constitution, when the framers and ratifiers of this amendment covenanted for and decreed the trial by jury, for such a paltry sum of money; and when the judges of the Supreme Court held human liberty to be worth more than any nameable sum of money, while he regards it as a thing to be disposed of by any corrupt postmaster which any corrupt Administration may corruptly appoint. Yet he says: "Nothing can be more false than that a jury trial is demanded in cases of this kind by the Constitution, either in its letter, *or in its spirit*."

DOGMATIZING.

I wish I could find, or felt at liberty to coin some milder word; but for want of a better, I must say that Mr. Webster seems to me, throughout this whole matter, to *dogmatize*. He makes strong assertions without offering even weak reasons. Of this character was his annunciation of the discovery of a new law,—"the law of physical geography,"—which was to suspend moral agency, and take from man his power to commit crime against his brother; as though in ascending hill-sides, freedom and slavery lie in different atmospherical strata, and are bounded by each other impassably; as though there were any mountain so "exceeding high," to whose top even Jesus Christ could go, that Satan could not go there to tempt him. This does not strike the common mind like a true discovery; like the law of gravitation, for instance, discovered by Newton, or the existence of the planet Neptune, by Leverrier. It is rather like that earliest pretended discovery on record, which was designed to seduce, and did seduce, the first parents of us all. *Ye may eat of the forbidden tree, for ye shall* NOT *surely die.* So Mr. Webster says, Let slaves be driven in coffles, or carried in ships' holds to the new Territories; they cannot live there. Will not the results of the two experiments bear a lively analogy to each other, and be likely to reflect similar credit upon their authors?

So, too, when he tore some of the brightest pages from the New Testament, by proclaiming that "there is to be found no injunction against that relation [of slavery] between man and man, in the teachings of the Gospel of Jesus Christ, or of any of his Apostles"! Upon how many Christian hearts did this sentiment fall like an anathema against all truth. He does not say any *express* injunction, but "no injunction;"—none of any kind. No *positive* injunction against slavery in the New Testament! —a book designed to regulate our life and condition for two worlds; yet, altogether, not so large as many a Congressional report; less voluminous than the ordinances of many of our city governments;—a book, therefore, which, from the necessity of the case, must deal with great and immortal principles, and could not descend into specification and detail;—and because such a book as this contains no *express* injunction against slavery, therefore slavery is not forbidden by it, but has the implied approval of its silence! Never was there a more sinister, unsound, unchristian argument uttered by infidel or pagan. Is there any *express* injunction "in the teachings of the Gospel of Jesus Christ, or of any of his Apostles," commanding us to declare the African slave trade piracy? Is there any *express* injunction "in the teachings of the Gospel of Jesus Christ, or of any of his Apostles," against cannibalism? Do they anywhere say, "Ye shall not eat one another?" Yet what enormity and flagitiousness would it be to infer, that, therefore, men and women may turn Ogres and Ogresses, and eat human flesh as they do mutton and beef. The inference in the latter case is every whit as warrantable, as sound, as in the former. Yet I consider that this theological argument does not violate the "spirit" of the Gospel, any more than his constitutional argument violates the "spirit" of the Constitution. John Wesley, who had lived amid slavery, denominates it the "sum of all villanies," and if Christ came into this world and left it, without permeating and saturating all his teachings with injunctions against the injustice, cruelty, pride, avarice, lust, love of domination, and love of adulation, which are the inseparable accompaniments of slavery, then I think the Christian world will cry out, that, so far as this life is concerned, his mission was substantially fruitless.

> "Oh, star-eyed Science! hast thou wandered there,
> To bring us back these tidings of despair?"

So if the Constitution of the United States contains not even any *implied* security for the liberty of all the colored population in the free States and Territories, and for the trial by jury as the only adequate means of securing that liberty, then would it not be more creditable to its framers never to have put their signatures to it?

LIBERTY OF THE CITIZENS MORE VALUABLE THAN THEIR LIFE OR PROPERTY.

The fifth article of amendment declares that "no person shall be deprived of life, liberty, or property, without due process of law." The commentators say that these words, "due process of law," are the equivalent of the phrase "the law of the land," in the 29th chapter of Magna Charta; and hence that "this clause in effect affirms the right of trial according to the process and proceedings of the common law;" that is, by jury. See Story's Comm., 661; 2 Inst., 50, 51; 2 Kent's Comm., 10; 1 Tucker's Black. App., 304.

Now, consider that the general right of trial by jury, in cases of *life*, was expressly secured by the Constitution as originally adopted; that, somewhat more than three years afterwards, the same right was expressly secured for *property*, in suits at common law, whenever the value in controversy should exceed twenty dollars; and then say whether there is not the strongest implication in favor of the same right, in cases of human liberty, which is so much more precious than life and property combined. I do not here say it is an implication that binds the courts in administering a law; that is

not the point under discussion. But is it not an implication that binds the legislator, so that when legislating on the subject, he cannot conscientiously and wilfully abandon it without infidelity to his oath? I do not believe that many men from the free States will ever be found in Congress who will not take this view of the subject. Indeed, not a few of the best lawyers and jurists have held that the implication binds the courts; and therefore, that the statue of 1793 is unconstitutional.*

Mr. Webster treats the two cases, of fugitives from justice and fugitives from service, alike; although one can almost adopt his own language, and say that "nothing is more false" than that they are alike. In regard to the first class, the Constitution says, a person "*charged*" with treason, &c.; but in regard to the second class, it says no person, "*held*," &c.

According to the obvious intent of this language, the alleged fugitive must be *proved* to be *held, bound, obligated*. It is not enough that he be *charged* to be "held" to service, though it is enough that a man be "*charged*" with crime. To bring the first case within the legal category of the second, its terms should be "a person *guilty* of treason," &c., shall be delivered up. Were such the phraseology, would any one doubt that proof of guilt should precede delivery, and that there could be no other foundation for it?

Mr. Webster says, "perhaps the only insuperable difficulty" to a trial by jury, "has been created by the States themselves." Suppose this to be so, I would ask whose duty is it to act first,—that of Congress to provide the trial, or that of the States to remove the impediment? Shall the States repeal their laws first, and leave the liberty of the citizens in jeopardy; or shall not Congress legislate first, and secure that liberty? Which is of the greater importance, that the owner should recover his slave, or that the citizen should retain his freedom? I answer according to the language which the criminal law uses respecting guilt and innocence, that it is better that nine hundred and ninety-nine, that is, an indefinite number, of slaves should escape, than that one free man should be delivered into bondage.

Besides, I think no State legislated on the subject for the protection of its own citizens, until 1842. This was after Congress had neglected for more than fifty years to do its duty. Why, then, should Mr. Webster cast the blame upon the States which forbore for more than fifty years to act protectively for themselves, when Congress, of which he had been a leading member for nearly forty years, had endangered, instead of securing, the liberty of their citizens? When he said that "every member of every Northern Legislature is bound by oath to support the Constitution of the United States," why did not the retort suddenly rise to his mind that he was bound by oath not less than they; and that his oath embraced the men that owned freedom, not less than the men that owned slaves? Besides, he charges only a *part* of the free States with being guilty of unjust legislation. Shall the innocent States suffer because of the others' offence? Rather shall not Congress first supply the means of protection to the citizens of all?

It seems to me, too, that the fourth amendment has an important "bearing upon the subject," because it shows that the master-thought of our fathers, in forming the Constitution, was to secure the liberties of the citizen. It provides against "unreasonable seizures" of "persons." I suppose the main idea of this amendment was to secure the citizen against "unreasonable seizure," even in cases where he should afterwards, and at *some time*, be brought to trial according to the forms of the common law. But what "seizure" can be more "unreasonable," than one whose object is, not an ultimate trial, but bondage forever, without trial? Can mortal imagination conceive of any seizure less entitled than this to be called "reasonable?" With what indignation did our fathers frown because they were transported beyond seas *to be tried;* yet, by our present law, and by the law which Mr. Webster promises to support, a free man may be transported, if not beyond seas, at least beyond lands, and beyond States, *not to be tried*, but to be held in slavery forever without trial. If a free citizen of Massachusetts should be seized and plunged into a Massachusetts prison, to be kept there for life; and his children, as a consequence of his fate, were put into the same, or into other prisons, as fast as they were born, to be also kept for life; and such was the original object and avowed purpose of the seizure, would not this conflict a little with the "*spirit*" of the fourth amendment? And does this proceeding conflict with this "*spirit*" any the less, because the prison is a Southern rice swamp, or cotton field, where the nearest door or outlet of escape is more than a hundred miles from the spot of confinement? In common law actions, trover, detinue, replevin, &c., &c., the trial is to be in the vicinage, except there is some overpowering reason for changing the venue, or place of trial. But here is a transfer of the party, not for a trial, but for evading a trial.

I submit, then, to the public, that here are three provisions of the Constitution, each one of which does have "a bearing on the subject." Each strengthens the other. They form a triple implication, if not a *trinoda necessitas*, which no man, however powerful he may be, can break.

The argument which the lawyers call *ab inconvenienti*,—the argument from inconvenience,—has been pressed into the service of the slaveholder to endanger the liberties of the citizen. I answer, there are two sides to this argument; nor was it wise in the slaveholder, or his Northern friends, to name it. It seems to me quite as *inconvenient* for a free man to lose his liberty, as for a slaveholder to lose his slave. If a Southern man sues a Northern one for the value of a bale of cotton or a barrel of rice, must not the plaintiff await the next term of the court before he can enter his action, abide by the rules of the court respecting continuances, and submit to the order of business in taking his turn before a jury? To obviate this inconvenience, has any legislature or any court ever proposed to set aside or annul, at once, all the securities by which we hold property and life? And how stands the question respecting evidence or proof? If difficult for a slave-

* See an elaborate opinion of Chancellor Walworth, 14 Wend., 507, *Jack* vs *Martin*.

claimant, from Texas, to prove title to his slave in Massachusetts, how infinitely more difficult for a citizen of Massachusetts to prove title to himself in Texas. But Mr. Webster says there are independent courts at the South, "always open and ready to receive and decide upon petitions or applications for freedom." Suppose this to be true; how is a man or a woman, whose master knows that he or she is free, to get to the courts? Mr. Webster seems to think that as soon as a kidnapping slave-dealer shall transport his human prey to the South, he will at once take him to, or allow him to go before a court of justice, or will sell him to some brother Samaritan who will do so. Does not everybody know that any man, who is capable of the enormous guilt of seizing or buying a freeman, will chain, and scourge, and starve and mutilate that freeman, if he but so much as open his lips in audible prayer to God for the restoration of his birthright?

Mr. Webster says, persuasively, that the alleged slave "is only remitted, for inquiry into his rights, to the State from which he fled." But suppose he had never "fled;" but was demeaning himself as a peaceable citizen, under the solemnly pledged protection of the Government, on the soil where he was born! This is the false idea that underlies the whole of Mr. Webster's seductive letter, that under such a bill as Mr. Butler's, nobody but a slave would ever be arrested.

I have no doubt that what Mr. Webster says about Southern courts being "fair and upright," is very generally and extensively true; but I have had a little personal knowledge of Southern courts, and I have no hesitation in saying that there has been one, at least, before which, if a slave were suing for his freedom, and any popular clamor against him should exist, he would have no more hope of obtaining his liberty through the "fairness" of the court, than, if thrown overboard in the middle of the Atlantic ocean, he would have of saving his life by swimming ashore.

MASSACHUSETTS PRINCIPLES, THOUGH RIDICULED, YET RIGHTEOUS.

Mr. Webster holds Massachusetts up to the ridicule of the world, because she "grows fervid on Pennsylvania wrongs;" and he has deemed it his duty to inquire how many seizures of fugitive slaves have occurred in New England within our time. Is this the Christian standard by which to estimate the evil of encroachments upon the most sacred rights of men? If I repose in contentment and indifference, because my own section, or State, or county, is as yet but a partial sufferer, why should I not continue contented and indifferent while I myself am safe? In providing for the liberties of the citizen, under a common Government, I think Massachusetts worthy of all honor, and not of ridicule, because she does "grow fervid on Pennsylvania wrongs," and on the wrongs of an entire race, whether in Pennsylvania or California, or anywhere within the boundaries of our own country. I see no reason why my sympathies as a man, or the obligations of my oath as an officer, in regard to the nearer or the remoter States, should be inversely as the squares of the distances. Even with regard to foreign countries, did Mr. Webster think so, in those better days, when his eloquent appeal for oppressed and bleeding Greece roused the nation, like the voice of a clarion? Did Mr. Webster deem it necessary to make inquisitions through all the New England States, to learn how many Hungarian patriots they had seen shot at the tap of drum, or how many noble Hungarian women had been stripped and whipped in their market-places, before he thrilled the heart of the nation, at the wrongs of Kossuth and his compatriots, and invoked the execrations of the world upon the Austrian and Russian despots? I see no difference between these cases, which is not in favor of our *home interests*, of our own *domestic rights*, except the difference of their bearings upon partisan politics and Presidential rivalries. Mr. Webster quotes and commends Mr. Bissell, who said that those Southern States which had suffered the least from loss of slaves made the greatest clamor. That statement of a fact was well put by Mr. Bissell; but was it well applied by Mr. Webster? In the statement, it was a question as to the loss of property. In the application, it is a question as to the loss of liberty. The latter is not, therefore, the "counterpart" of the former. Blindness to the distinction between the value and the *principle* of property, and the value and the *principle* of liberty, could alone have permitted the comparison.

CONCLUSION.

But I have extended this communication greatly beyond my original purpose. Several other topics contained in Mr. Webster's speech, or growing out of what has since happened in relation to it, and hardly less important than those already considered, must await another opportunity for discussion; unless, indeed, some disposal of the question shall render further discussion unnecessary.

I am not unmindful of the position in which I stand. I am not unaware that circumstances have placed me in an antagonist relation to a man whose vast powers of intellect the world has long so vividly enjoyed and so profoundly admired. I well know that a *personal* contest between us seems unequal, far more than did the threatened contest between the Hebrew stripling and the champion of the Philistines, who had a helmet of brass upon his head, and greaves of brass upon his legs, and the staff of whose spear was like a weaver's beam. But the contest is not between *us*. It is between truth and error; and just so certain as the spirit of Good will prevail over the spirit of Evil, just so certain will Truth ultimately triumph. In such a case as this, there is one point of view in which Mr. Webster is a desirable antagonist; for the thick and far-beaming points of light, which he has left all along his former course of life, cannot fail to expose, to other eyes than his own, the devious path into which he has now wandered.

HORACE MANN.

WASHINGTON, *June* 6, 1850.

NOTES.

Another edition of the preceding communications having been called for, I avail myself of the opportunity it presents, to add a few notes.

I had hoped not to be required to say more on this subject; but, during the past week, Mr.

Webster has issued, in a pamphlet form, a speech made by him, in the Senate, on the 17th ult., accompanied by his letter to some gentlemen on the Kennebec river, dated on the same day. In this letter, Mr. Webster has referred to me again; and he seems to have given himself full license to depart from all the rules of courtesy belonging to a gentleman, and to disobey the obligations of truth, belonging to a man. The angry and reproachful language, in which he has now indulged himself, releases me from all further obligation to treat him with personal respect. Yet I intend not to avail myself of the release. I confess that my habit of looking up to him with political deference and regard, had become so inveterate, that it will require at least another volley of his insults to break it. Under present relations, however, I feel at liberty to use considerable plainness of speech.

For perspicuity, I shall arrange what I have to say, under distinct heads.

1. MR. WEBSTER'S TRIPLE FALSIFICATION OF A PLAIN MATTER OF FACT.

At the first onset, Mr. Webster charges me with an act which, if true, wounds my character deeply, as an honorable man; but, if untrue, destroys his. It is untrue. To give plausibility to his charge, he resorts to the following threefold falsification of a plain matter of fact. In professing to quote from his 7th of March speech, he has suppressed what he did say; he has introduced what he did not say; and he has then applied my criticism, not to his original sentiment on which it was made, but to the counterfeit one which he has surreptitiously put in its place.

In his 7th of March speech, Mr. Webster said, "I would not take pains to re-affirm an ordinance of Nature, nor to re-enact the will of God." This was the sentiment I criticised. It appears in these words, in the *National Intelligencer*, in the *Union*, in the *Republic*, in the *Globe*, and in the pamphlet edition which he dedicated to the people of Massachusetts. But in his Kennebec letter, in order to take away the ground of my criticism, he has interpolated a word into the above sentence, which changes its whole meaning. Pretending to quote himself, he says, "I would not take pains USELESSLY to re-affirm an ordinance of Nature, or to reënact the will of God." By foisting in the word which I have underscored, he changes the entire character of the sentiment advanced. As now stated, nobody can dissent from it; for who would announce, in a distinct proposition, that he would *uselessly* do anything? As originally stated, nobody can assent to it. This perversion is not only false towards me, but it contains a latent confession that he knew he was wrong. Else why did he make the alteration? Why did he think the surreptitious changing of his doctrine to be a less evil than the acknowledgment of it as originally avowed? Had he quoted his original false sentiment truly, the world would have seen that I was right; but in his dilemma, he interpolated a true sentiment falsely, in order to prove that my criticism, on such a sentiment, was wrong. He expunges the original sentiment on which my criticism was made; he forges an opposite sentiment, to which no one would ever object; and then he applies my criticism made on the expunged sentiment, to his counterfeited substitute.

I shall not venture to define or describe a proceeding like this, in words of my own. I trust, as yet, that I obey the apostolic injunction, and possess my soul in patience; and it will take at least another discharge from his battery of wrath to provoke a fitting retort. I may be permitted, however, to use a sentiment uttered by himself, to show how he has condemned himself. In the same connection, Mr. Webster advanced the following idea: "I know no passion more appropriate to devils than the passion for gross misrepresentation and libel." Can any mortal specify a grosser instance of "gross misrepresentation and libel" than when one of the parties to a public discussion has uttered an obnoxious sentiment, and when this sentiment has met with very general reprobation, and when, in the progress of the discussion, the guilty party professes to restate the case, that he should then expunge the false sentiment he originally advanced, foist a trite and common-place one in its stead, and then apply a criticism made on the suppressed sentiment to the forged one? Is it not as palpable a case of alteration, as to change the date of a note of hand in order to take it out of the statute of limitations, or to obliterate the description of the premises in a deed, and put a more valuable estate in its place? This proceeding is worse, if possible, than the former "misrepresentation and libel" of my argument and myself, contained in the Newburyport letter. But the subject is painful, and I leave it.

2. MR. WEBSTER'S RIDICULOUS CLASSICAL BLUNDER.

It affords me great relief to turn from this to the next topic in Mr. Webster's Kennebec epistle. The severity of moral judgment which must be passed upon his fabricated quotation and the use he made of it, is here turned into mirth by one of the most ridiculous classical blunders, that has been made since Lord Kenyon called Julian "the Apostle."

Mr. Webster says: "In classical times, there was a set of small but rapacious critics, denominated *captatores verborum*, who snatched and caught at particular expressions; expended their strength on the *disjecta membra* of language; birds of rapine which preyed on words and syllables," &c., &c.

May I most respectfully ask Mr. Webster on what authority he says there was, "in classical times," any such "set" of "small but rapacious critics" as he here speaks of,—or exemplifies? In my ignorance, I have always supposed the "*captator*" of classical times, to be a kind of "genius" the very opposite of what Mr. Webster describes. Horace, Juvenal, and Livy, represent him as a selfish, sycophantic gift-seeker, or fortune-hunter; not a twister, torturer, or interpolator even, of words and phrases. He was rather a man who managed to get his living out of other folks. His acts and tricks served the purpose of a prehensile organ, such as the finger-like appendage of an elephant's proboscis, by which to pick other men's pockets. The accompanying words, descriptive of his filchings, were

not *torve*, *ringi*, and so forth; but *callide*, *blande*, or *blandicule*. If *captator* meant a cavilling, cynical critic, then *captatrix* should mean a scold, a vixen, or virago; but its true meaning was "a fawning gossip," or "mean flatterer." In our days, the equivalent or *fac simile* of the classical *captator*, would be the man who coaxes other people to accept his bills, or endorse his notes, or lend him minute-money, *and then never pays;* or the man who gets life-settlements for supporting class interests, and so brings odium on their unquestionable merits. No mistake could be greater than that the old *captatores* "expended their strength on the *disjecta membra* of language," or "gorged themselves with the garbage of phrases, chopped, dislocated, and torn asunder, by themselves." On the contrary, they were "gentle as a sucking dove." Their "*disjecta membra*" rather resembled outlawed promissory notes, protested drafts, overdrawn bank accounts, unpaid scores to shopmen, &c. There was nothing like the harpy about them, as Mr. Webster seems to suppose, in this remarkable description of his, which is as rhetorically unsavory as it is classically untrue. What malignant sprite could have been at Mr. Webster's elbow when he penned this wrathful paragraph, and suggested to him a word pregnant with such unutterable associations!

So far from there being any "set" of critics, in classic times, denominated and known as *captatores verborum*, I doubt whether even the abstract noun "*captatio*" occurs half a dozen times, in all the classics, in connection with the genitive of his pretended appellation. He could hardly have made a greater or more ludicrous mistake. It is exceedingly to be regretted, after the numerous instances we have lately had of Mr. Webster's bad logic, and bad humanity, and bad discoveries of natural law, that he should now offend the classical taste of the country, and bring discredit upon the New England colleges, by his bad Latin. This whole anti-classical paragraph about "*disjecta membra*," and "chopping," and "gorging," and "uncleanness," is an unclean conception of his own; not a pure but an impure invention; not intellectual but epigastric in its origin.

3. MR. WEBSTER'S ERRONEOUS GEOGRAPHY, AND HIS FALSE CITATION OF AUTHORITIES.

Mr. Webster's geographical statements on this subject are worthy to be placed side by side with his classical. He says, the extent of New Mexico, north and south, on the line of the Rio Grande, "can hardly be less than a thousand miles." This makes a little more than *fourteen* degrees of latitude. Now, as its northern boundary is in 42°, its southern must be as low as 28°. This is *four* degrees below El Paso del Norte. Yet Mr. Webster, on the 13th of June last, declared himself in favor of fixing the northern boundary of Texas at or near El Paso, and more than four degrees of latitude north of what he here says is the southern boundary of New Mexico. He also supported that part of the Compromise bill which proposes to give Texas, not only these four degrees of latitude, but money also, for taking what, as he now says, belongs to New Mexico and the United States. How can these views stand together?

In his 7th of March speech, Mr. Webster declared it to be a natural impossibility that African slavery could ever exist "in California or New Mexico."—P. 42. He now defines the southern boundary of New Mexico. It can hardly be less, says he, than "a thousand miles" from the forty-second degree of north latitude. This places it four degrees south of El Paso. He is in favor of that part of the bill which gives these four degrees to Texas. According to him, therefore, should Texas get possession of these four degrees of what is now New Mexican territory, slavery will exist, as far up as the old southern boundary line of New Mexico, by virtue of the laws of Texas; but beyond this line, although within the bounds of Texas, it will not exist, because forbidden by the "will of God." Hence the extraordinary spectacle will be exhibited, of the existence of slavery coming plump up to the south side of an imaginary line, by the laws of Texas, while on the north side of the said imaginary line, its existence will be cut square off by the "will of God," although both sides are within the same political jurisdiction. This will be a miracle, compared with which the supposed miraculous preservation of the Jewish feature and complexion, for two thousand years, will be unworthy to be mentioned. It remains to be seen, however, whether this miracle will be vouchsafed to Mr. Webster, as a proof of the Divine favor.

On the 5th of June, Mr. Webster voted against incorporating the "Proviso" into the Governments for New Mexico and Utah, because slavery was already prohibited there by "Asiatic scenery" and the law of "physical geography." On the next day, too, he voted against the following amendment offered by Mr. Walker: "And that peon servitude is forever abolished and prohibited." Whether he so voted because this species of slavery, (which is an existing institution at the present time,) was prohibited by "scenery" and "geography," does not appear.

But on the 17th of June, Mr. Webster, in the Senate, suggested a qualification of his doctrine as laid down on the 7th of March, viz: that "every foot of territory of the United States has a fixed character for slavery." An uncertainty as to the boundary line between New Mexico and Texas, gave rise to this qualification. "Let me say to gentlemen," said Mr. Webster, "that if any portion which they or I do not believe to be Texas, should be considered to become Texas, then, so far, that qualification of my remark is applicable."—(*Cong. Globe*, 31st Cong., 1st sess., p. 1239) That is, if the Compromise bill should so establish the boundary line between New Mexico and Texas, as that "any portion [of New Mexico] which they or I [other gentlemen or Mr. Webster,] do not believe to be Texas, should be considered to become Texas," then, as Texan territory, it might lose its "fixed character," and become slave territory, notwithstanding the "ordinance of Nature" and the "will of God." But, strange to say, on this same 17th of June, the Kennebec letter was written, which carries the southern boundary of Mexico, on the east side of the Rio Grande, four degrees below El Paso, and, of course, includes all that region within New Mexico, and therefore within the

"ordinance of Nature" and the "will of God!" So that, after all, he acknowledges that the "ordinance of Nature" and the "will of God" may be overridden by the laws of Texas.

But his citation of authorities is among the most surprising of all his aberrations from fact. He first quotes Major Gaines, who, as he says, "traversed a part of this country during the Mexican war." By "this country," I suppose he means New Mexico. If he does not mean New Mexico, then the citation has no relation to the subject. If he does mean New Mexico, then he asserts what is not true. Major Gaines did not go within four or five hundred miles of New Mexico, during the war; and if the quotation from him was designed to create the belief that, in what Major Gaines said, he was speaking of New Mexico, it was as gross an imposition as could well be made.

The next citation is from Colonel Hardin. Two sentences are taken. I transcribe the first with Mr. Webster's italics.

"*The whole country is miserably watered; large districts have no water at all. The streams are small, and at great distances apart.* One day we marched on the road from Monclova to Parras, *thirty-five miles, without water;* a pretty severe day's march for infantry."

And what country does this describe? "From Monclova to Parras, thirty-five miles!" says Colonel Hardin. And where is Monclova? Away down south in Coahuila, hundreds of miles from any part of New Mexico.

I submit the following notes, one from the Colonel of the regiment in which Mr. Gaines was a major; and the other from a major in the regiment of which Mr. Hardin was Colonel.

HOUSE OF REPRESENTATIVES, *June* 27, 1850.

SIR: In reply to your note of this date, I state that Major Gaines did not, during the Mexican war, travel through any part of New Mexico. Major Gaines entered Mexico at Camargo, on the Rio Grande; was engaged near Saltillo, until he was captured and taken to the city of Mexico; and thence he returned to the United States, by the way of Vera Cruz.

I am, sir, very respectfully, &c.,

HUMPHREY MARSHALL.

P. S. In reply to your verbal inquiry, whether Colonel Hardin was in New Mexico, I state, that Colonel Hardin was attached to General Wool's command, and passed from San Antonio de Bexar, by the Presidio de Rio Grande, Monclova, and Parras, to Saltillo; so that he did not enter New Mexico. H. M.

Hon. H. Mann.

HOUSE OF REPRESENTATIVES, *June* 28, 1850.

SIR: In reply to your note of this date, I have the honor to say, that I was an officer of the First Regiment Illinois Volunteers, commanded by Colonel J. J. Hardin during the Mexican war, and that during the time Colonel Hardin was in command of the regiment, he was not in New Mexico. His nearest point to New Mexico was Monclova or Parras, which was several hundred miles distant. In my opinion, Colonel Hardin was never in New Mexico; he certainly was not in that country during the Mexican war.

Respectfully, W. A. RICHARDSON.

Now what possible excuse can be offered for these misleading citations? What information would be given of the soil of the Genesee valley of New York, by proving the condition of the sands of Cape Cod?

Mr. Webster next quotes, for the second time, the letter of Hugh N. Smith, Esq. This letter, if taken by itself, would render it improbable, in Mr. Smith's opinion, that slavery would go into New Mexico; but it by no means proves the physical impossibility of its existence there. But what different language has Mr. Smith since held in his Address to his constituents? I will quote a few passages from this Address to show its general drift and intent:

"Your State [New Mexico] is threatened with dismemberment, and, *what is yet more fatal, the introduction of slavery into its bosom.*"—*Page* 1.

"The most formidable part of this combination against you is that which originates in the slave interest. It not only rallies against you the whole slaveholding South, but all the influence of selfish, venal and ambitious men in the North, looking to speculations in discredited bonds and land jobbing, *or to the political honors which the combined vote of the South may promise.*"—*Page* 2.

"The doctrine of the slaveholding States, in regard to their domestic institutions, is non-intervention; but with regard to yours, it is *instant intervention*, to set at nought the prohibition of slavery, which you brought with you into the Union," &c.—*Ib.*

"I am myself a native of the section [Mr. Smith is a Kentuckian] whose fate I deplore, and if my duty did not require, I would be the last to advert to the malady that preys upon its life. * * * * The schemes of those who would bind you to the destiny of the slave States, render it necessary that your Representative should be excluded from the Halls of Congress."—*Page* 3.

"*You are left prostrate, that Texas may dismember and divide New Mexico, and subject her to Southern influence; that negro slavery may be introduced into the remnant of territory that may not be appropriated to Texas; and, finally, that the region thus secured to Southern policy may become the stock on which to graft new conquests from Mexico.*"—*Page* 4. [These are Mr. Smith's italics.]

"The first step in this process is to supplant the fundamental municipal institutions brought by New Mexico with her into the Union, by a Territorial Government which, by omitting the inhibition against slavery in the Congressional act, failing to reserve that contained in the Mexican code, and preventing the people of the Territory from legislating upon the subject of slavery, and from re-enacting the prohibitory clause, will unquestionably abolish all protections against that institution; and, indeed, more effectual legislation for the extension of slavery into New Mexico could not be enacted."—*Page* 5.

"The whole body of Southern influence, now that mining is a mania, would combine to pour an immense colony of slaves into New Mexico. The consequence of this would be to level the whole population of New Mexico with the new caste brought into competition; and you, my Mexican fellow-citizens, who till your own soil with your own hands, would be compelled to fly your country, or be degraded from your equality of freemen, forfeiting your hopes of rising to the new elevation promised by your alliance with the great North American Republic, and living only to witness the ruin of all that renders life desirable."—*Page* 6.

This is what Mr. Smith says, when he writes home to his own people, who know all about their own country, and its danger of being invaded by slavery.

Now, let the reader suppose himself to have read from Mr. Smith's Address, as much more, of the same kind as the above, and then say how far his evidence goes to sustain Mr. Webster's discovery, that slavery can never go into New Mexico. Mr. Smith's Address has been published for two months; it has been on the tables of members, published, and quoted from in the newspapers, and yet Mr. Webster continues to cite Mr. Smith, as a witness in his favor. What influences were used to induce Mr. Smith to withhold, in the letter to Mr. Webster, the facts and views which he has so clearly brought out in the letter to his constituents?

The next and last citation is from an officer at Santa Fe. No name is given. We are informed neither of the character of the author nor of his means of information; and if this authority is as fallacious and deceptive as the preceding, it is a great deal worse than nothing. It would be like

the testimony sometimes offered in court, which ruins the cause and dishonors the counsel.

4 MR. WEBSTER'S "DILIGENT READING."

Mr. Webster says, in this letter, "I have studied the geography of New Mexico diligently, having read all that I could find in print." According to this statement, he must have read the letters of Mr. James S. Calhoun, Indian agent at Santa Fe, communicated to Congress by the President, on the 23d of January last. Speaking of the Navajoes, a tribe of 7,000 Indians, within the limits of what it is proposed to include in New Mexico, Mr. Calhoun says, that it is "not a rare instance for one individual to possess 5,000 to 10,000 sheep, and 400 to 500 head of other stock." (P. 184) That their country "is rich in its valleys, rich in its fields of grain, and rich in its vegetables and peach orchards." (P. 199.) "We encamped," says he, "near extensive corn fields, belonging to the Navajoes." (P. 197.) Their "soil is easy of cultivation, and capable of sustaining nearly as many millions of inhabitants as they have thousands." (P. 202.) A country owned by one tribe capable of sustaining nearly 7,000,000 inhabitants, and yet, as Mr. Webster avers, inaccessible to slavery, on account of its barrenness!

Speaking of the Indians, (Pueblos,) on the Rio Grande, Mr. Calhoun says: "These people can raise immense quantities of corn and wheat, and have large herds of sheep and goats. The grazing for cattle generally is superior." (P. 206.) Of the more western Pueblos, he says, they have "an extent of country nearly four hundred miles square;"—more than twenty times as large as Massachusetts;—"they have rich valleys to cultivate, grow quantities of corn and wheat, and raise vast herds of horses, mules, sheep and goats, all of which may be immensely increased by properly stimulating their industry, and instructing them in the agricultural arts." (P. 215)

I might cite much more from the same authority, to the same effect; but I do not refer to Mr. Calhoun so much for the purpose of showing the agricultural capabilities of New Mexico, as of asking why Mr. Webster did not quote from this recent official work, which has been lying on the tables of members for months, instead of quoting descriptions from military officers respecting a country which he well knew they had never seen?

There is good reason to believe that there are wide tracts of fertile land lying between the Sierra de los Mimbres and the Sierra Nevada on the east and west, and the 32d and 35th degrees of latitude. The waters at the mouth of a river give no doubtful indication respecting the country from which they flow. If the volume be large, we know it must drain an extensive region; for the waters of a great river cannot be supplied from a narrow surface. So if the water be muddy, as is said to be the case with that of the Colorado, it is proof that it courses through a diluvial country. But however this may be, all accounts concur in representing New Mexico to be rich in mines; and mines are the favorite sphere for slavery, as the ocean is for commerce.

In his late speech in the Senate, Mr. Davis of Massachusetts said that however it might be with regard to employing slaves in New Mexico for raising crops of corn or cotton, there was still one purpose to which they might be applied,—the most odious of all purposes,—to raising crops from themselves. From this "Southern Hive," the markets of Texas and Louisiana might be supplied with "vigintial" crops of human beings. It will be incumbent on Mr. Webster to invent some new "physical" law to meet this astute suggestion of his colleague. "Asiatic scenery" will hardly answer his purpose here.

Within the limits of the proposed Territory of New Mexico, it is supposed that that powerful and comparatively civilized people, the Aztecs, once resided. Can any person for a moment believe, that the Aztecs ever grew to opulence or power, in any such sterile and desolate region, as Mr. Webster's "diligent reading" portrays?

But what must satisfy every man whose blindness is not of the soul rather than of the senses, is the fact, that the people of New Mexico, in the Constitution which they have just framed, have embodied a prohibition of slavery in their fundamental law. Had slavery been forbidden there by any "Asiatic scenery" or by any "law of physical geography," who should know it better than they? They have had slavery amongst them heretofore, and therefore they know it can invade them again, and therefore they forbid it; and in the choice of Senators to Congress under the new organization, should any candidate put forward the vagary, the phantasm, the fatuity, that slavery *cannot* exist among them, they would doubtless deem him a less fit subject for the Senate of the United States, than for sanitary treatment.

How stands the evidence, then, on the question, whether "California and New Mexico," from their geology, their geography, or their Asiatic scenery, are inaccessible or not, to the invasion of slavery? It is well known that the war with Mexico was provoked, and violently precipitated upon the country, in order to extend the domain and the power of slavery. In negotiating for the cession of California and New Mexico, the Mexican Commissioners strove to introduce a prohibition against slavery into the treaty. This demonstrates that they thought slavery could exist there. Our Minister declared that he would assent to no such stipulation, though they would cover all the land a foot thick with gold. This shows the tenacity with which Mr. Polk's Administration, and all its Southern friends, adhered to their original purpose of obtaining new territory for slavery. In view of this, the House of Representatives again and again voted to apply the Proviso to whatever territory should be obtained. When the treaty was ratified, many of the leading Senators voted against the clause for acquisition, foreseeing the present controversy and hoping to avert it. Even after the treaty was ratified, leading Southern Whigs in the House voted against paying the first instalment under it, still clinging to the hope that the territory might be restored to Mexico, and this cause of dissension withdrawn. During all this period, fourteen of the Northern Legislatures, many of the again and again, voted that the Proviso should be applied. The present six months' contest, in the Senate and House, between the North and the

South, is conducted solely on the conviction that slavery *may* exist in the Territories; and that it will or will not exist there, according as the law allows or forbids it. Otherwise, it would be the most nonsensical and nugatory discussion ever engaged in out of a lunatic asylum. Once make it as clear as any law of physical nature, that slavery can never transgress the bounds of the new territories; and there is not a man so demented that he would any longer contend either for the Proviso, or against it. Mr. Webster was always of the same opinion, and has declared it a hundred times. In his Marshfield speech, September 1, 1848, he said, "He [General Cass] will surely have the Senate, and with the patronage of the Government, with every interest that he as a Northern man, can bring to bear, coöperating with every interest that the South can bring to bear, we cry safety before we are out of the woods, *if we feel that there is no danger* [of slavery] *as to these new Territories.*" Up to the 7th March, 1850, then, when he abandoned all the doctrines and sentiments he had ever before advocated on this subject, and when he incurred the public, hearty approval and encomiums of Mr. Calhoun, by his moral agility, in springing, at one leap, from Massachusetts to South Carolina;—until this time, Mr. Webster had always held, that slavery would invade the new Territories, if not barred out of them by positive law. And what would be still more remarkable, if the doctrines of the 7th of March speech had the least shadow of soundness in them, is, that they have now been before the public for more than four months, and, so far as I know, not a single Southern man has been converted by them. Are not Mr. Benton, Mr. Mason, Col. Davis, and thousands of others, individually, as good judges, or as good witnesses, as he is? Since the speech, the people of New Mexico have prohibited slavery in their Constitution, because they knew it to be possible among them. Before the speech, California did the same, and for the same reason. The Nashville Convention has just resolved "That California is peculiarly adapted for slave labor, and that if the tenure of slave property was by recognition of this kind secured in that part of the country south of 36° 30′, it would in a short time form one or more slaveholding States, to swell the number and power of those already in existence." Even those who seek to apologize for Mr. Webster, avow at the same time, their disbelief in his doctrine. Such is the evidence, on the one side and on the other, as to the possibility or impossibility of slavery in the Territories. Mr. Webster is against the whole world and the whole world is against him, and this, too, on a question already settled by history and experience. He is just as much to be believed, as a man who looks up into the clear midnight sky, and denies the existence of the heavenly host, while all the stars of the firmament are shining down into his eyes.

To increase the overwhelming proof against Mr. Webster, I add the following:

HOUSE OF REPRESENTATIVES, *June* 1, 1850.

Hon. S. R. Thurston, Delegate from Oregon.

DEAR SIR: In a speech delivered by you, in the House of Representatives in March last, I understood you to say that you had been in the valley of the Great Salt Lake, and that you were acquainted, from personal observation, with a large part of the territory of California. Will you be so good as to give me your opinion, and the reasons for entertaining it, of the probability or improbability of the introduction of slave labor into any part of the territory recently acquired by the United States from Mexico; provided such introduction be not prohibited by law?

I wish to obtain your opinion in regard to other kinds of labor, as well as agricultural; because, as it seems to me, a most unwarrantable, if not a most disingenuous attempt has been made, to lead the public to believe that no form of slave labor will ever be introduced there, because, possibly, or probably, it may not be introduced for agricultural purposes.

A reply at your earliest convenience, will much oblige,

Yours, very truly,

HORACE MANN.

WASHINGTON, *June* 10, 1850.

Hon Horace Mann:

I received a note from you some days ago, making certain inquiries, but which, up to this time, I have been unable to answer. I desire to take no part in the question now dividing the country; but as you have asked my judgment upon a matter which appears to be a disputed point, I cannot, consistently with the law of courtesy, refuse you an answer. That answer will be in conformity with what I have frequently said heretofore, in private conversation with gentlemen on this subject

The point of inquiry seems to be, whether slave labor could be profitably employed in Oregon, California, Utah, and New Mexico. If the nature of the climate and resources of these countries are such, as to furnish a profitable market for slave labor, it appears to be conceded, on all sides, that it would be introduced, if left free to seek profitable investment, like other capital. The whole point at issue, then, is dependent as it is conceived, upon the determination of the first point of inquiry. Hence, to that point, only, it is necessary for me to confine my answer.

I need not remind you of the law regulating the investment of capital. It will always go where, under all circumstances, it will yield the greatest return to the owner. Upon this principle I am very clear, that slave labor, if unrestricted, could be employed in Oregon, with at least double the profit to the owner of the slave that it now yields in any State of the Union. I am uninformed as to the usual price of slave labor in the States, but the price paid to Indians in Oregon during the past year, for labor, has ranged from two to three dollars per day. Domestic negro servants, whether male or female, who understand the business of housework, would command, *readily*, five or six hundred dollars a year. I recollect well, that there was a mulatto man on board the vessel in which I took passage from Oregon to San Francisco, who was paid *one hundred and eighty* dollars per month for his services as cook I will not stop to particularize further, in regard to the inducements Oregon would offer to unrestricted slave labor, but will simply add, that a very large number of slaves might now be employed in Oregon at annual wages sufficiently large to purchase their freedom. I think, therefore, that the point is settled so far as Oregon is concerned; and that slave labor, if it had been left free to seek profitable employment, would readily find its way to that Territory.

As to California, I am equally clear. California will always be a mining country, and wages will range high. At present, slave labor in California would be more profitable than in Oregon. And I have always been of the opinion, that wherever there is a mining country, if not in a climate uncongenial to slave labor, that species of labor would be profitable. That it would be in the California mines is evident A good able-bodied slave would have commanded, in California, during the past year, from eight to ten hundred dollars per annum. When it is recollected that one hundred dollars per annum, upon an average, is considered a good compensation for their labor in the Southern States, it is idle, in my judgment, to contend that slaves would not be carried to the California market, if protected by law.

The greatest impediment which white labor has to encounter in the mines, is the intensity of the heat, and the prevalence of bilious disease. The one is almost insufferable, while the other is pestilential. Against both of these the negro is almost proof. Now, while white labor is so high, it is evident that no one can hire a white laborer, except at a rate that would consume his profit. Not so with negro labor. That species of labor might be obtained for half the amount which you would have to pay for white labor The result would be a profit alike to the hirer and seller of slave labor. There is no doubt, in my judgment, that almost any number

of slaves might be hired out in California, were the whites willing to allow it, at from eight to ten hundred dollars a year. This is pay so much above what their services command in the States, as to satisfy any one, that could this species of service be protected in California, it would rush to the Pacific in almost any quantity.

Let us next turn our attention to Utah and New Mexico. I have no doubt, from what knowledge I have of those countries, that they will turn out to be filled with the richest mines. I clip the following from a recent paper, containing the news from Texas and Chihuahua.

"Mr. James was informed, by Major Neighbours and Mr. Lee Vining, that they had been shown by Major Stein, some gold washed out by his troops, on the Gila river, in a short excursion to that stream.

"It is reported that, at the copper mines above El Paso, there are about one hundred tons of pure copper lying upon the ground. This had been got out by Mexicans, and abandoned when attacked by Indians.

"There are are at El Paso, in the hands of different persons, several large amounts of silver ore, taken from the mines in that neighborhood. With guaranties of titles to lands, and protection from Indians, only a short time would elapse before all these mines would be well worked, and we would have large quantities of metal seeking a market through this place."

And if you consult Fremont's map, printed by order of the Senate in 1848, you will find, near the source of one of the branches of the Gila river, "copper and gold mines" laid down. And if I am not greatly mistaken, it will turn out that the Mormons are in possession of the richest kind of mines, east of the Sierra Nevada. It is known, too, that silver and copper mines have, for many years, been worked in New Mexico; and I am informed by Hugh N. Smith, Esq., that there are in that Territory, gold, silver, copper, lead, and zinc mines of the richest quality, and that the reason why they have not latterly been worked more extensively is that it is prevented by the incursions of the Indians. He is of the opinion, and he is borne out by what history we can get on the subject, that when these mines shall come to be explored, their wealth will turn out to be enormous When you have once cast your eye over that country lying west of the Rocky Mountains, and east of the Sierra Nevada, and are informed of the peculiarity of the gold-bearing region, you at once become convinced that the United States is in possession of mineral wealth so vast, that ages will not be able to measure its extent. And when these mines shall begin to be developed, and their unquestionable richness known, population will set that way, attended with the usual consequences, high prices, and a demand for labor. If slave labor is like other capital, if it will go where it is best paid, then we have a right to say it will seek these mines, and become a part of the producing capital of the country where those mines are located. That these whole regions are filled with rich mines, is little less than certain, and that they can be profitably worked by slave labor is sure. Hence, were I a Southern man and my property invested in slaves, I should consider the markets of New Mexico, Utah, and California, for slave labor, worthy of an honorable contest to secure.

I am, sir, with due consideration, yours, truly,

SAMUEL R. THURSTON.

5. CONTRADICTION IN MR. WEBSTER'S SPEECHES.

The Kennebec letter has another most extraordinary and discreditable passage. It is near the close. Mr. Webster quotes from a speech delivered by him in the Senate, March 23, 1848, says it was published in newspapers and circulated in pamphlet form, and that that speech contained the same doctrines in regard to the "legal construction and effect of the resolutions" for admitting Texas, as are contained in the speech of the 7th of March. He says nobody complained then, and he wonders that anybody should complain now.

It is very remarkable that such a man as Mr. Webster should furnish, in the very quotation which he offers, the means of utterly confuting the assertion which he makes. I suppose this can be accounted for only on the ground, that he now occupies a position so antagonistic to that which he has abandoned that he can hardly refer to his former views without self-impeachment and self-conviction. Let passages from the two speeches be placed side by side, to show, not their identity, but their utter irreconcilability.

MARCH 23, 1848.	MARCH 7, 1850.
[*A passage quoted by himself.*] "It shall be *in the power* of Congress hereafter to make *four* other new States out of Texan territory."	"I wish it to be distinctly understood, to-day, that, according to my view of the matter, this Government *is solemnly pledged by law and contract* to create new States out of Texas," &c.—*P.* 42.

The first quotation only asserts a "power" in Congress to create new States; the last affirms an obligation, "by law and contract" to do so. How could Mr. Webster have expected that this broad distinction between *power* and *duty*, between *option* and *obligation*, could escape the attention of his readers?

But there is another discrepancy or contradiction still more remarkable:

MARCH 23, 1848.	MARCH 7, 1850.
"It shall be in the power of Congress hereafter to make *four* other new States out of Texan territory."	"——— the guaranty is, that new States shall be made out of it, and that such States as are formed out of that portion of Texas lying south of 36 deg. 30 min. may come in as slave States to the number of *four*, in addition to the State then in existence."—*P.* 29.

The first speech speaks of the *power* of Congress, but the last of the *obligation* of Congress, to admit new States out of Texan territory; the first speaks of "four other new States;" but the last of the "guaranty" to admit "*slave* States to the number of four." Yet the first speech is cited, to men who can read and write, as identical "in legal construction and effect" with the last. The motto under which Danton attempted to carry himself through his bloody career, was: "*L'audace, l'audace, toujours l'audace.*"—"Audacity, audacity, always audacity."

But what else did Mr. Webster say, in his speech of the 23d of March, 1848? Referring to the debate which took place in December, 1845, on the final act for admitting Texas, Mr. Webster said: "And I added, that while I held, with as much faithfulness as any citizen of the country, to all the original arrangements and compromises of the Constitution under which we live, I never could, and I never should, bring myself to be in favor of the admission of any States into the Union as slaveholding States."* This is what Mr. Webster reports himself to have said when the final vote on the admission of Texas was immediately to be taken, and when he commenced his speech by saying, "I am quite aware, Mr. President, that the resolution will pass,"—meaning the resolution for the admission of Texas. Mr. Webster's "never could and never should" covered the exact case of the then contemplated future slaveholding States to be formed out of Texas. While in the broadness of its terms it embraced all slaveholding Sta whensoever, or whencesoever they might come, had special and pointed application to any slave State to be thereafter formed out of Texan territory.

* Cong. Globe, 1st session 30th Congress, p. 533.

In the same speech of December 22, 1845, Mr. Webster spoke as follows:

"It may be said that according to the provisions of the Constitution, new States are to be admitted on the same footing as the old States. It may be so; but it does not follow at all from that provision that every territory or portion of country may at pleasure establish slavery, and then say we will become a portion of the Union; and will bring with us the principles which we may have thus adopted, and must be received on the same footing as the old States. It will always be a question whether the old States have not a right, (and I think they have the clearest right,) to require that the State coming into the Union should come in upon an equality; and, if the existence of slavery be an impediment to coming in on an equality, then the State proposing to come in should be required to remove that inequality by abolishing slavery, or take the alternative of being excluded."

He also said, in the same speech, "I agree with the unanimous opinion of the Legislature of Massachusetts."

And what was this "unanimous opinion of the Legislature of Massachusetts"? Among many other things equally decisive, the Massachusetts Legislature, on the 26th of March, 1845,—and, of course, long after the annexation resolutions had been passed,—declared as follows:

"And whereas the consent of the Executive and Legislative departments of the Government of the United States has been given, by a resolution passed on the 27th of February last, to the adoption of preliminary measures to accomplish this nefarious project, [the admission of Texas, with the stipulation to admit four more States out of its territory;] therefore, be it

"*Resolved*, That Massachusetts hereby refuses to acknowledge the act of the Government of the United States, authorizing the admission of Texas, as a legal act, in any way binding her from using her utmost exertions in cooperation with other States, by every lawful and constitutional measure, to annul its conditions, and defeat its accomplishment.

"*Resolved*, That no Territory hereafter applying to be admitted to the Union, as a State, should be admitted without a condition that domestic slavery should be utterly extinguished within its borders, and Massachusetts denies the validity of any compromise whatsoever, that may have been, or that may hereafter be, entered into by persons in the Government of the Union, intended to preclude the future application of such a condition by the people, acting through their representatives in the Congress of the United States."

Such were the opinions which Mr. Webster then expressed, and such the resolutions of the Legislature of Massachusetts, with which he agreed. Yet he now professes to wonder that anybody can see any difference between the doctrines of those speeches and resolutions, and those of his speech delivered on the 7th of March.*

* Prof. Stuart, in a pamphlet entitled "Conscience and the Constitution," pp. 78-9, steps in to defend Mr Webster's position that we are bound, by contract with Texas, to admit from her territory, "slave States to the number of four;" and he incidentally refers to and combats my views on this subject.

I respectfully submit to the reverend and learned Professor a single consideration, which I trust will convince him that I am not in error.

For argument's sake, admit the contract with Texas to be unimpeachable; although, if it be so, I see not why any one Congress may not absorb and exhaust all the power to admit new States, which the Constitution contains, by making contracts, for centuries to come, for all the new States that shall be admitted; and for all the applications for admission that shall be rejected. But, admitting the validity of the Texan contract, what does it purport? That new States "not exceeding four," "may be formed out of the territory thereof." Those south of 36 deg. 30 min. may be slave; that, or those, north of 36 deg. 30 min. shall be free; the whole, "not exceeding four." Here, then, is an executory and mutual contract. It is executory; because it is not to be executed at the time of making, but *in futuro*. It is mutual; because, for Texas, and for the one or more slave States, south of 36 deg. 30 min., there are to be one or more free States, north of it.

Now, the principle is so clear that I think no one will for a moment dispute it, that when an executory and mutual contract is to be executed say at four different times, each preceding act of execution must be such as to allow of the ultimate execution of the whole. Neither the first, second, nor third act of execution, must be so executed as to render the fourth impossible. Neither the first, second, nor third act must be so executed in favor of either of the parties, as to render the execution of the fourth, in favor of the other party, impossible. But if Texas can have "slave States to the number of *four*," formed in succession out of her territory, then, as the whole number to be formed is not to exceed "four," there can be *no* free State formed, under the alleged contract.

It is not within my knowledge that such an interpretation of this supposed contract was ever suggested by any Texan citizen, or by any Southern man. I suppose it to have been advanced, *first* by a Northern Senator; and seconded *first*, by a Northern Divine.

6. MISSTATEMENT OF FACT, IN REGARD TO FUGITIVE SLAVES.

Mr. Webster says that, previous to writing his Newburyport letter, he made "diligent inquiry," of members of Congress from New England, to ascertain how many arrests of fugitive slaves had been made in their time; and he adds, "the result of all I can learn is this: No seizure of an alleged slave has ever been made in Maine."

Now, two such cases have happened in the State of Maine. One took place in the eastern part of the State, about 1835 or '36. The other happened at or near Thomaston, a little later. In this latter case, the fugitive came to Maine in a Thomaston vessel, whose master was afterwards demanded as a fugitive from justice. This demand gave rise to a prolonged correspondence, I think, with no less than three Governors of Maine. This correspondence was extensively circulated through the newspapers, or referred to by them, and it would seem hardly possible that Mr. Webster should not have seen it. Since the Newburyport letter was published, this misstatement of fact has been noticed in the Maine newspapers, yet no retraction is made. The misstatement is allowed to be spread over the whole country, uncorrected by its author. Mr. Webster then adds, "No seizure of an alleged fugitive slave has ever been made in Vermont." Tradition, and, as I believe, authentic history, contradict Mr. Webster here. It is said by "members of Congress" from Vermont that an alleged fugitive was carried before Judge Harrington of Vermont in 1807, and on his being asked what evidence would satisfy him that the person was a slave, he replied, "A bill of sale from Almighty God."

But even if these statements of Mr. Webster, with regard to the New England States, were all true, it would avail him nothing; for, in the eye of patriotism, it matters not where such seizures are made. I refer to this, only to show that Mr. Webster is not to be relied upon in these matters, either for the accuracy of his original positions, or for a retraction of them, when their error is pointed out by the public press. I wish not to be understood, *on this particular point*, as imputing to Mr. Webster an intentional misstatement; because he accompanied his original statement with a salvo. He confessed,—and he is entitled to the full benefit of the confession,—that his information

might not be "entirely accurate," though he supposed it not to be "materially erroneous." It is "materially erroneous;" and though one error has been exposed in the Maine papers, he does not rectify it. Possibly, he does not know it.

7. FURTHER MISSTATEMENT OF FACT.

While holding Massachusetts up to reproach for "growing fervid on Pennsylvania wrongs," Mr. Webster draws succor and encouragement from the Society of Friends, and especially from the Friends of Pennsylvania. He says that they remain "of sound and disposing minds and memories;" and he contrasts their wisdom and composure with the "vehement and empty declarations, the wild and fantastic conduct of both men and women which have so long disturbed and so much disgraced the Commonwealth" of Massachusetts. He then adds, "I am misled by authority which ought not to mislead, if it be not true, that that great body approves the sentiments to which I gave utterance on the floor of the Senate." I will now show that this alleged approval by the Friends, though worthy of any price but truth, was too dearly bought.

It is well known that the Friends are divided into two great denominations. Each has its Periodical, one now in its eighth, the other in its fourth year. In the numbers published since the appearance of the Newburyport letter, both these periodicals do not "approve," but repudiate and denounce the sentiments to which Mr. Webster gave utterance "on the floor of the Senate."

The *Friend's Intelligencer* deals at length with Mr. Webster's "sentiments," on the "Fugitive Slave Bill;" on the legislation of the North for the protection of its own citizens; on his pseudo-discoveries in "physical geography;" and on the "legal construction and effect" of the Texas resolutions; and it condemns them all.

The *Friend's Review* dissents not less positively from Mr. Webster's positions; and both call him severely to account for the defamation of themselves, which his letter implies.

On his "sentiments" respecting fugitive slaves, the "*Review*" observes that they have yet to learn "that that part of his speech was approved by any member or professor of the society."

I wish I had space to quote from these able articles, but must forbear.

John G. Whittier, Esq, speaking for the Quakers of New England, gives "a peremptory denial" to Mr. Webster's statement. I quote the following paragraph from him:

"Now, we undertake to say that there is not a member of the Society of Friends, in free or slave States, who, whether acting as a magistrate or a citizen, could carry out the provisions of this most atrocious bill, without rendering himself liable to immediate expulsion from a society whose character would be disgraced, and whose discipline would be violated, by such action It has been, in times past, the misfortune of the Society of Friends to be vilified, caricatured, and misrepresented; but we remember nothing, even in the old days of persecution, so hard to bear as the compliments of the Massachusetts Senator. Whatever his 'authority' may have been, we do not hesitate to pronounce it unqualifiedly false to the last degree."

Now what shall be thought of a cause that requires such a defence, or of the man that can make it!

There are many other points presented by Mr. Webster's speech of the 7th of March, or by what he has since said and written to defend it, which seem to me as unwarrantable in fact, and as reprehensible in principle, as any above enumerated. I shall close these notes, however, with one comment more; reserving others, though sincerely hoping never to have occasion to use them.

Among the excoriations with which Mr. Webster amused himself and his Southern new-born pro-slavery admirers, on the 7th of March last, he flayed nobody half so deeply or so complacently, as he did his old fellow-senators, Messrs. Dix of New York and Niles of Connecticut. He scored them to the living flesh, and then soothed their smarting wounds by vitriol and caustic, as though he loved them. Their agency in the Texas swindle, he made odiously conspicuous. He taunted them with heart-piercing inuendo for their compulsory retirement from public life. And then he portrayed them as occupying their enforced vacation in attempting to rouse the people to save those regions from the curse of slavery, which, but for their sins, never would have been exposed to it. He worked up the scene so graphically, that every one mocked at their contemptible plight, and at the ridiculous contrast between the swiftness of their offence, and the lameness of their expiation. The effect was dramatic. The pro-slavery part of the gallery and the floor responded with a shout of laughter. Yet devoted and long-tried friends of Mr. Webster were there, whom no darkness of blindness could prevent from seeing that his bitter sarcasm against the ex-Senators, though calculated to make the "unskilful laugh," must make the "judicious grieve." They could not fail to see that he, Mr. Webster himself, at that very moment was occupying precisely the same pro-slavery ground, which Messrs. Dix and Niles had occupied, when they brought in Texas and "re-annexed" California and New Mexico. He was exerting all his great talents to do an act of the same character which Messrs. Dix and Niles had done;—that is, to open new territory to slavery. And doubtless the first thought which arose in many a mind was the same which spontaneously arose in my own, that, should he succeed in arguing down, or laughing down the "Wilmot," as he twice scornfully called the Proviso; and should he then betake himself to penitence and prayer, and by years of effort, strive to stay back from slavery the regions he had doomed to it, he would only have elevated himself to the very "platform" on which Messrs. Dix and Niles stood *when he laughed at them.*

July 8, 1850.

SPEECH

OF

HON. H. MARSHALL, OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES, APRIL 3, 1850,

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. MARSHALL said:

Mr. CHAIRMAN: At the commencement of this session, occasion called forth an expression of my regard for the Union. I embrace the first opportunity which has since offered, to declare that attachment and unaffected loyalty to the noble system of free government under which we live, is the common sentiment of the district I represent. Indeed, a desire to preserve our free institutions for the benefit of posterity, must be the darling wish of every patriot, no matter under what latitude his destiny is cast. This belief inspires me with hope and confidence, that the clouds which now lower over us will roll away, and that the constellation of the American Union will still shine among the nations. If *we* can but recur to that spirit of mutual concession in which they acted who conceived and established the Constitution, we may meet this crisis without fear, and discharge our responsibility without reproach. So far as I am concerned, I shall be willing to bear and forbear, to claim nothing that is not right, and to yield to the circumstances which surround us, until I conceive demands upon me to be positively wrong, in order to restore quiet to the country, and to enable Congress to proceed with other important and necessary legislation.

I will say, in the commencement, I never allow myself to dwell on the idea of disunion as a remedy, except as one sometimes reflects upon the folly of suicide. It is the remedy only of absolute desperation under a sense of intolerable evil. Should the power of this Government be prostituted to serve the purposes of fanaticism, should a manifest disregard of chartered rights appear in its action, it would become the duty of the oppressed to throw it off, by a resort to the remedy of revolution. Whenever the construction of the Constitution is so plain a departure from its literal meaning, and its true spirit, as to indicate beyond doubt that it is retained as a mere index of power—not as a bond of good faith among friends and equals—the destruction of the Constitution would be a less evil than submission to unfeeling and unjust tyranny. I appreciate the blessings of freedom and of regulated right.

Domestic slavery is our apple of discord. It need not be concealed that so wide a difference of opinion exists, as to the propriety of domestic slavery under this Government, as that the conflict of sentiment disturbs the repose and endangers the security of the Union. But it is not, as some seem to suppose, the resolutions of popular assemblies, the abstract notions of declaimers, or even legislative resolves, which give rise to this national disquietude. Men may think, write, speak, as they please. It is *action* from which the danger will spring; and in advance of that action comes, very properly, the voice of warning, inviting a contemplation of probable consequences. At the adoption of the Constitution, nearly all the States employed slave labor—some derived large profits from their connection with the slave-trade. Many of the private fortunes which established family consequence, were founded upon the profits deduced from this "inhuman traffic." The iniquity of slavery had not alarmed the consciences of men intent on the pursuit of gain. The men of 1787, though fresh from the war for liberty, and possessing at least equal purity with those of succeeding generations, did not shrink from making the compact of the Constitution with slavery, as a recognized element of political power in this Government, nor to clothe it both with protection and privilege, in consideration of certain conceded equivalents which they enjoyed during their day, and from which their descendants reap profit even at this day. Since that period, many of the States, having rid themselves of slaves, the passing generation has been educated to abhor the system, as not only the degradation of an unfortunate race, and a disgraceful deprivation of the negro of his inalienable right to freedom, but also as a sin in the sight of Heaven. The common mind, uneducated in the written political obligations of the Constitution, is diverted from the course it would otherwise have taken, by the constant appeals of ambitious demagogues, who inflame popular passion, from motives of self-aggrandizement, and would lead into all the labyrinths of error, for the mere sake of public notoriety. The progress of abolition—for this sentiment which now comes clothed with the title of "Free Soilism" is, at best, but political abolitionism—within the past fifteen years, has been prodigious. Look back to the debates in this Hall in 1835-36-37, and you will see that, on the presentation of Abolition petitions, northern Representatives claimed the especial privilege of battling against the fierce onslaught of this fanaticism wherever its banner was displayed. They assured the South that the movement was but the result of inconsiderate folly, which, having no other employment, was engaged in this mischief, but that no serious danger need be apprehended from it. I do not doubt that those gentlemen were sincere. I do not doubt the sincerity of gentlemen who now declare there is no danger, and that our constitutional rights shall be preserved. But, Mr. Chairman, the progress of this fanaticism has not in the slightest degree been checked. If petitions for the abolition of slavery in this District have ceased to incumber the files of this House, it is only because the acquisition of territory has opened a new field for the temporary exercise of this mania. The fever has not abated—the determination of the leaders of the Abolition party remains unchanged. In every department of opinion and interest, this spirit is at work. It is not mere run-mad philanthropy. In the pulpit,

clothed in the pure vestments of religion, it proclaims the sin of slavery, and calls upon the followers of the true God to make war upon it as an auxiliary of the devil. In the work-shop, it insidiously whispers into the ear of labor that toil is profitless, because competing with that of slavery. It invites the hardy laborer to make war upon slavery, if he would open the field of profit for the energies of his arm. In the factory, it points the confined operative to green shades and cool breezes, which shelter the form and fan the cheeks of a master who is depicted as revelling in luxurious indolence. It steals into the hovel of want, and arouses the jealousy of poverty against wealth, attributed to the system of slavery. In politics, it teaches disaffection to the Constitution, because of assumed injustice of slave representation in this Hall, and would induce the freeman of the North to believe that he is on a scale of inferiority as a voter. Thus, by turns, in the garb of philanthropy, religion, democracy, whiggery—anything, everything—this mischievous spirit plays the recruiting officer, to obtain an army of followers for the purpose of acquiring *power*. We have seen it bargaining for place, and availing itself of the close balance of parties in the legislature, corruptly trading for political position. Now a sedate moralist, again a religious fanatic, or a political demagogue, it is attempting to outrun the established order of things, and to overleap every barrier which the Constitution interposes to its progress.

This is the spirit which is busy in this land, in every department of labor, politics, and religion, preparing sentiment, and trying, through governmental instrumentality, to find vent for that sentiment *in action*, even at the cost of the best political combination of the earth. Its tread is that of the Vandal. When its usurpations shall be complete, its triumph will be celebrated upon the ruins of the Constitution. The hardy breeds of the north of Europe, who overran Italy, wrecked all of art and civilization then existing. Vandal cupidity and barbarian ambition were never satisfied, until they stood upon the ruins of Government, and trod under foot all public law and private right.

I repeat, that I place every reliance in the sincerity of many gentlemen from the free States, who think there is no danger from the operations of this Abolition feeling; but I ask those gentlemen to point to the man of 1835–6, who dared to oppose the agitations of that time, now left to serve the country? The voice of the past guides me to fancy the realizations of the future. These gentlemen are not the generals who marshal the forces, nor the tacticians who choose the positions of the Abolitionists—it fully occupies their time to keep their own persons out of the fire of the batteries. This Abolition spirit, sir, is a living, active, mischievous element. When we behold the fruits of its past exertions, and the evidence of its present intentions, let us beware of *non-action*. The voice of patriotism bids us, by every duty we owe to the Constitution, the country, and the world, to act now, before it is too late, and so to act as to avoid the possibility of any future issue between us—so to act as to settle this distracting controversy about slavery, at once, definitively, and forever.

The position to which we are invited, and which we are to-day assured will prove safe through the future, will only smother the flame for an instant, to break forth hereafter with increased heat and intensity. Adopt it, and my belief is the excitement will increase. The anti-slavery fever will guide the spirit of your elections through future years. It will do more. In the true spirit of that fanaticism which pretends to look above earthly compacts it has solemnly sworn to observe, to a Divine command for guidance, it will spurn the protection afforded to property by law, and will wallow in all the excesses of the vilest agrarianism. I have the most abiding reluctance to see this scheme of *non-action* prevail. I honestly believe that one of the effects to flow from it, will be a permanent sectional division among our people—I do not mean a dissolution of the Union, but an alienation of feeling and of friendship—and as another consequence, the elevation to public honors of the most rabid, the most offensive, the most ultra and unscrupulous of those public men who now worship openly at the altars of Abolitionism and Agrarianism. I have no exaggerated apprehension of the designs of this school of politicians. We have heard during this discussion, from some of the leading spirits of that party, now members of this House, the views they entertain—the policy they pursue—the motives which actuate them to its adoption. Let us recur *to them* for a moment.

Speaking of northern feeling, one of these [Mr. HORACE MANN] remarks:

"But release us from our obligations, tear off from the bond with your own hands the signatures which bind our consciences and repress our feelings, destroy those compensations which the world and posterity would derive from the Union, and well may you tremble for the result. * * *

"Thousands will start up at the North, who will think it as much a duty and an honor to assist the slaves in any contest with their masters, as to assist Greeks, or Poles, or Hungarians, in resisting their tyrants. * * * *

"Perhaps a dissolution of this Union is the means foreordained by God for the extinction of slavery; and did I not foresee its doom, before any very long period shall have elapsed, without the unspeakable horrors of civil and servile war, I cannot say to what conclusions the above considerations would lead my own mind.' * * *

I will not multiply authority from this source. It will suffice that this speaker denominates the slaveholder as a man-stealer—the slave as "stolen goods;" and closes with the declaration, "Better 'disunion—better a civil and servile war—better 'anything that God in his providence shall send, 'than an extension of human slavery."

Another of these men [Mr. THADDEUS STEVENS] says:

"Slaveholders form an untitled aristocracy, with numerous dependents. * * * There is no sound connecting link between the aristocrat and the slave. True, there is a class of human beings between them; but they are the most worthless and miserable of mankind. The poor white laborer is the scorn of the slave himself. * * * The white people who work with their hands, are ranked with the other laborers—the slaves. They are excluded from the society of the rich. Their associates, if anywhere, are with the colored population. They feel that they are degraded and despised; and their minds and conduct generally conform to their condition.

"I am opposed to the diffusion of slavery, because, confining it within its present limits, will bring the States themselves to its gradual abolition. Confine it, and like the cancer that is tending to the heart, it must be eradicated, or it will eat out the vitals. The sooner the patient is convinced of this, the sooner he will procure the healing operation.

"Confine this malady (slavery) within its present limits—surround it by a cordon of freemen, that it cannot spread—and in less than twenty-five years every slaveholding State in this Union will have on its statute books a law for the gradual and final extinction of slavery."

The speaker denounces slavery because it tends to render the people among whom it is planted "arrogant, insolent, intolerant, and tyrannical;" and "will look upon any northern man, enlightened by a northern education, who would directly or indirectly, by commission or omission, by basely voting or cowardly skulking, permit it to spread one rood over God's free earth, as a traitor to liberty, and recreant to his God."

I will not multiply these extracts now, though I may append a few from other sources, of like character, to the printed edition of my remarks. I

shall not stop to comment on the ignorance of the social condition of the laborers and poor in the slave States these Representatives exhibit; but it is fair to observe, that the same strain of epithet, and a like vein of misrepresentation of the existing condition of society in the slave States, pervading all these speeches for northern consumption—serve to swell the tide of prejudice against one section of this Union in the bosoms of the other. "Man-'stealers! thieves! aristocrats! arrogant, insolent 'tyrants! abhorred of God! unworthy of associa-'tion with moral, virtuous men, on earth!" These are the terms indulged—terms utterly unfit for this presence—better suited to a fish-market. I shall not descend to recriminate. I did not collate these precious passages for such purpose; but to prove to the committee and the country, and especially to the considerate and moderate men of the free States, that they can give no assurance of safety under the policy of *non action*, and indeed that we can feel little reliance for the safety of slave property under the very ægis of the Constitution, while such doctrines educate the public mind, or wound the public ear. The point of these remarks is in the avowals of motive, inducing the adoption of the policy these Representatives advocate. What are these avowals? "*Non-extension, no more slave territory, no more slave States.*" Why? Not only because slavery is an evil, "an iniquity," but because they intend to compel the owner *to admit that it is an evil, by producing an intolerable state of suffering in the slaveholding States.* They design, by confining the institution of slavery to an area which the natural expansion of population will soon cover, to compel the master to cry out against the system of slavery as a curse, which blights the prosperity of his business, and endangers the security of his home. Yes, sir; we are informed, in this explicit language, that the anti-slavery party would now lay the foundation of a national policy, by which it is intended to confine the white and black races at the South together, until the slaveholder shall come as an almoner before the National Government, praying to be relieved of the burden of this species of property. All this is to be done, too, by the energies of a Government organized under a Constitution expressly guarantying protection to this class of property—done by men who acknowledge their inability, under the Constitution, to interfere with slavery *in the States!* Can you be surprised, with such atrocious declarations ringing in our ears, that we insist upon some immediate settlement of this matter? Would you expect a sensible man to remain passive while the lives of his family were threatened—when the incendiary brandishes the torch before his eyes, and boasts of an intention to commit arson, though it involves murder?

These men argue, that while the Constitution protects slavery *in the States*, they may so act upon it *out of the States* as to destroy its value in the States, and that the surrender of it by the owner, will then be the act of the owner, while the effort of the Abolitionist will be free from the stain of violated obligation. Precious ethics! I know of but one apt illustration of the principle asserted. In the annals of the "Count of Monte-Christo," a story is told of a French banker, who ventured into the catacombs of Rome, under the pledge of some banditti inhabiting that labyrinth, that no violence should be offered to his person. After he was fully committed, and could not extricate himself, they furnished him a drop of water to quench his burning thirst, for one half of his money, and gave him a bird to appease his gnawing hunger for the balance of what he was worth. These punctilious moralists contended that *their* pledge was fulfilled, and that the surrender of the Frenchman's property was his voluntary act, and no robbery of theirs. The policy of our constitutional brethren, thrown into the shape of a bill, would read by its title somewhat after this fashion: "A bill to compel the slaveholding States to pass laws for the gradual abolition of slavery, and further to destroy the security and value of slave property *in the States*, according to the most modern interpretation of the Constitution."

I am aware that the reply to these observations will be, that the sentiments upon which I have commented are not the opinions of the mass of the North, and the persons whom I have denominated leaders, are extremists and agitators. I know they are extremists; but ultraists have led revolutions since the world had a history. The mass of men follow the lead of the daring spirit, whether his energy be exhibited in the cabinet or the field. It is because these leaders *are* extremists and agitators, talented and accomplished for their work, that I am the more desirous that moderate, conservative gentlemen from the North shall join me and other conservatives from the South and West, to silence agitation by a settlement at once of the subject, which gives play to their faculty for mischief. There is but one sound and safe policy under all the circumstances. It is to close the volume of legislation upon the subject of domestic slavery, by an act covering all the territory under our jurisdiction, based upon mutual concessions, discarding all mere abstractions, and drafted in a spirit of fraternity, to teach the minority that the majority wield power with magnanimity—to prove to the South that their rights and feelings are not merely recognized but guarded by the North—to prove also that an American Congress will never "do evil that good may come of it."

For my own part, I wish to act with fairness, executing honestly the obligations we owe to each other, that we may bind with firmer ties than ever the Union of these States. I am no propagandist of slavery because I consider it a moral, social, and political blessing. I heartily wish it had never existed on the continent; but as a system of labor, one half the States have become accustomed to it—the avails of industry are invested in this property; it is intertwined with private rights so as to be inseparable from them; it existed among the States at the birth of the Government; it is guarantied by the fundamental law as an element of political power; and it will exist, by the fiat of necessity, to the close of the Government. Any legislative action by Congress, adopted with the view to impair the value of slave property in the hands of the owner, or to interfere with his right of enjoyment, proximately or remotely, is as clearly a violation of his constitutional rights, as if you should send an army with banners into the States to wrest the slave from his master, or should directly proclaim, like France, a decree of universal emancipation.

When the doctrine is asserted, that slavery goes wherever the flag of the Union floats until it is prohibited by law, northern sentiment is shocked at its latitudinism; but when the doctrine is asserted that Congress shall *prevent* slavery from extending whersoever the flag of the Union floats, the same class of sentimentalists stand by the declaration. Can it be seriously insisted that this Government may make war upon an institution, recognized by the Constitution, and protected wherever it exists? Could it have been the design of the statesmen who framed the plan of govern-

ment, that legislation might be used as an instrument to blot out *anything the Constitution expressly recognizes and agrees to protect*, and in which the investment of capital was invited?

I care nothing for an equilibrium between the slaveholding States and the free States. Such a condition was not fixed by the Constitution, and is not of its essence. It is, moreover, impossible, and if good faith prevails, unnecessary. Power exerted by the free States to compel the slaveholding States to feel inferiority, and to deprive them of any just right—used to mark with the stain of national reprobation a class of property held by the minority, by virtue of a right over which Congress has no control, and which the owner holds, in the opinion of fifteen States, without any violation of etiquette to man or sin against God—I protest against most solemnly. The exertion of any such power, without the consent of the minority, will justly alienate the affections of the people from a Government, whose conduct is in open hostility to their interests.

When we regard the practical blessings of the Union, the rapid growth of our country, the unparalleled increase of our commercial and national power, and the prospect of a future, through whose vista the enlightened statesman can already perceive a grandeur which will place the United States first among the powers of the earth, the wonder increases, that any section of the country should be willing to peril, even for a moment, the prospect of our common glory, by an attempt to enforce a mere sentiment of more than questionable philanthropy. The free States of this Union have a retrospect to gratify the pride of any people—a prospect promising increased prosperity and power. By the exertion of energy, their people have amassed public and private wealth—have diffused the blessings of education, broadcast, among the million—have connected the natural channels of trade by artificial improvements, and checkered their magnificent country with stupendous works of art. The rapid swell of numbers, under the provisions of the Constitution, regulating our political relations, has transferred the reins of empire to their grasp, except so far as the organic law has reserved rights to the States and the people, or regulates their exercise. Moderate ambition should surely be content with such a measure of past success, and such a promise of future splendor. Can it be, that the free sons of the North intend to mar this great "partnership of freedom and glory," by an unhallowed attempt to trample upon the rights of their brethren? Why interfere with the condition and institutions of your neighbors? Why read homilies to us, your political equals, upon the moral iniquity of domestic slavery? Why cheat yourselves with the delusion that Providence has called you to a special mission for its extirpation? Why seek to act as if we had no voice in the disposition of our common domain? Look back on the history of the past, and imitate the example of the slaveholding country. When the war of the Revolution closed, Virginia transferred to the common treasury for the payment of the public debt, and for the common benefit, a domain richer than a dozen European principalities. She agreed to mark it by the peculiarity of your own system of labor. Will you now deny to her a fair participation in the acquisitions of our common blood and treasure? When Louisiana was acquired, slavery existed over its entire surface. Remember the language of the North. It was then marked by no assumption of arrogance—no determination to rule all, according to her own view. Mr. Taylor, of New York, the gentleman who moved the restrictive clause, (since known by the name of the Wilmot proviso,) held this just and emphatic language:

"We have no desire to restrict the emigration from the South, or to deny to it an equal participation of territorial benefits. * * The powers of sovereignty over the territory ought to be exercised, not on the principles of Massachusetts or Virginia, but upon those of the *United* States."

How different, Mr. Chairman, is this language from that held the other day by a Representative from Massachusetts, [Mr. ASHMUN,] who said:

"If you claim this right as a money right, we will not grant it. If you claim it as a point of honor, and will join us in a resolution, saying slavery is not there and never will be, then, to save your feelings, we will not pass the proviso."

Far better, sir, adhere to the spirit which admits the equality of the States, and announces the just doctrine, that neither Massachusetts nor Virginia possess the right to impress their peculiarities of sentiment, or of their system of labor exclusively upon the common domain.

This irritating question was supposed to be settled by the Missouri compromise, which divided the territory between the two classes of States. I know the slave States yielded much in that settlement. They voluntarily yielded the right, clearly possessed, to carry slave property into any part of the territory of the United States, and agreed, for the sake of peace and harmony, to a partition, which confined slavery south of the line of 36° 30′ of north latitude. The spirit of that compromise was, *an equitable division of the territory*—one part to be governed by the principles of Massachusetts, and the other by the principles of Virginia, if the people who formed the States chose to adopt those principles. It is fashionable to denounce the Missouri compromise now-a-days, and to say the South ought not to have agreed to it I think otherwise. It was *a compromise*—a mutual concession to satisfy a difficulty between people of the same lineage, having common interests—it was an honest *compromise*, and as sound an adjustment of a distracting controversy, as modern wisdom will, by any possibility, devise. I am willing to adhere to it, and in its true spirit to carry it forward to the Pacific. I am willing even to deflect the line, when it reaches the eastern boundary of California, and run it by that boundary to the South—thus yielding to a state of the case which has been produced in that country by the neglect of Congress to institute government, and has induced the people to assume the right of empire. I will consent to yield to free labor the coast of the Pacific, the Asiatic commerce, and the entire territory north of 36° 30′. All I ask in return is, the institution of territorial government south of that line, accompanied by the guaranty that slavery shall exist if the people, in forming the State to be hereafter erected, so desire—in the mean time to be open to immigrants from all quarters.

I do not know enough of the Valleys of the Rio Grande, the Colorado and the Gila, to say whether slave labor could be rendered profitable in any of them—nor do I care. It is not on this account I desire the settlement, but because it will afford evidence that gentlemen from the North are willing to meet on terms of equality—to give and take—and not ready to assert the policy that an interdiction of slavery is the *sine qua non* to an admission into the Union. It will prove to the people of the slaveholding States, that this Government has not yet obeyed the impulse of those who would pervert its powers to their injury, and the destruction of their property. I say, I am willing to carry forward the Missouri compromise in its true spirit. I believe it is our duty to do so,

and that the North is bound, in honor, to agree to it. It is true, the Missouri compromise was but a law, and as such is not *per se* binding on subsequent legislation. It was intended to supply a *casus omissus* of the Constitution, and was understood at the time as an agreement between the people of this country, North and South, that the power of the General Government, over the institution of slavery in the territories, should be regulated by the latitude in which the territory was situated. The compact was just as binding as any power, short of an absolute amendment of the Constitution, can make it. The resolutions of Texas annexation carried the terms of the Missouri compromise *through a State* about to enter the Union. The destiny of Oregon was expressly settled upon the same basis, by the last President of the United States. Why was the South content with these results when they were proclaimed? Because the spirit of that compromise was understood to be the basis of each settlement. It cannot be said its terms only extend to the country embraced by the boundary of Louisiana, for neither Texas nor Oregon were embraced by Louisiana. On the part of the slave States, the contract is executed, the consideration has been accepted by the free States, and according to every idea I have of fair dealing, their part of the stipulation should now be performed. It is not the amount of territory about which I am solicitous, nor yet the mere point of honor. I entertain invincible repugnance to the assertion of the inadmissible principle in this Government, that Congress may, by law, bring the energies of the Government to bear in a hostile manner upon that which is recognized as property in the States, and that the majority may, by law, exclude the minority from a fair participation in the acquisitions of the country.

Gentlemen from the free States have accustomed themselves to say, that they will not consent, under any circumstances, that slavery shall extend an inch beyond its present area. If this is meant merely to express intense antipathy to slavery, I have no observation to make in regard to it; but it cannot escape the most cursory reflection, that in many cases, readily supposed, the irreversibleness of this sentiment would present a perfect paradox in morals. I trust the day will never arrive when the dogma shall find practical assertion by general legislative act. In its broadest sense, it must be understood as placing slave property under the ban of the empire, for it amounts, practically, to the same thing as the Wilmot proviso, applied through the present and the future.

It is not my purpose to consume time by the discussion of the correctness of *any* abstract sentiment; I want to deal with the case in hand, trusting that the present emergency being provided for, the future will furnish no occasion for a continuation of the discussion.

California demands admission as a State; she has sent to the Capitol two members, as her quota in the popular representation. Without authority from Congress, she formed a constitution. "Dressed in her robes of freedom, gorgeously inlaid with gold," the "young Queen of the Pacific" has assumed the sceptre of sovereignty; her constitution is submitted for our examination; her legislature forms laws, and her Governor already enforces them; she claims the right of empire within a boundary in which she yields to this Government the right of eminent domain; her position presents to our consideration a single alternative—we must confirm what she has done, and admit her into the family of American States, or we must, by force of arms, if necessary, disrobe her of that gorgeous mantle which has been hailed *with genuine Eastern adoration*, and remand her to her former condition of military pupilage. California was entitled to a civil government—the men who rushed from the United States to her sites of commerce, and her placers of gold, understood the great right of self-government, and asserted it. Their right to form a State constitution, at a proper time, to suit themselves, is an admitted right which nobody contests. If any fault has been committed, the censure rests here, not there. Under the treaty, it was the duty of Congress to give to that people at least a territorial government; but the same Representatives who are now clamorous for the admission of California, because they see the prohibition of slavery ingrafted by her people into the State constitution, refused to perform this duty last year without the restrictive clause.

While much remains undone that should have been done before a State government was instituted—while Congress would have been better prepared to decide with wisdom on the boundaries suitable for the State, had the country been first sectionized, its exact area determined, the relation of mountains and streams to each other, and to the coast, precisely fixed, as well as some idea of the centres of future population obtained—still, the failure of preparation in these important particulars is not the fault of Californians. I should like very much to have known the proportion of public lands to those under private grant at the date of the treaty. I should prefer to know the proportion of Mexicans who remained in the country, electing to remain as Mexican citizens, and not as citizens of the United States. I should desire to know what proportion of land in that country is arable, and what proportion uninhabitable, before I cast my vote on the question of California boundary. It may be, that we are not entitled to one foot of arable land in California, and I entertain a strong persuasion such will turn out to be the fact. The treaty of Guadalupe Hidalgo, contains many features of striking peculiarity. It openly eschews the great principle of allegiance and protection—it enables the Mexican to remain in the ceded country, and to continue a Mexican subject, or citizen. It enables the Mexican, who owned land in the country at the date of the treaty, to remain beyond the jurisdiction—an absentee—and to pass his lands by contract to another alien and absentee. Knowing, as I do, the tenacity with which Mexicans hold on to real estate, I fear the effect of this condition of things. But above all, by non-election for one year, the Mexicans who were in the country became entitled to the inchoate rights of citizenship. We may, by adopting the State, and legalizing what has been done, be introducing at a single bound, into equal privileges with ourselves, in this Government, the peons of some Mexican rich, whose only claim to this dear privilege was their insensibility and recklessness of obligation to any flag or sovereign. I do not wish to cheapen the title of "American citizen."

All these points, and more, should in the first place have been ascertained and settled. Nevertheless, as I am not an advocate of a second war in California, and do not desire to add to existing irritation by any unbecoming punctilio about the order of her coming, especially failing to perceive any *constitutional* objection to her admission, my action rests in her case upon a single question, to wit, "What shall be done with the remaining territory?"

I am not to be understood as halting, because

slavery has been prohibited by the constitution of California. That constitutes no objection; for I have a conviction that it is the will of her people, instigated by no improper influence, except, probably, a fear of the failure of her application in the absence of such provision. What compromise shall be made? I have remarked, that I prefer an equitable partition of the territory in the spirit of the Missouri case, but for the sake of peace and harmony, I will meet on another basis, to wit, the admission of California, and the institution of territorial governments over the whole remaining country, under our flag, giving protection to property and persons under such governments, silence on the subject of slavery, and a guaranty that, when State constitutions are formed, the people may choose their own institutions, and whether slavery be permitted or excluded, the admission into the Union of the State or States to be formed from such territory. Why do the Representatives from any extreme of the Union shrink with timid shyness from the adoption of these conciliatory propositions? We cannot have peace, and harmony, and administrative energy, until something is effected upon this subject. Why not adopt one or another of the bases suggested?

I have heard the remark frequently on this floor, especially from this side of the House, that the plan of the Administration is, to admit California and there to halt—leaving New Mexico under her present government—and that advocacy of territorial government in New Mexico is opposition to the views of the President. I have no authority to speak for the Administration, and I merely declare my own opinion when I say, that the proposition as stated is not correct, and the conclusion deduced from it is not a proper conclusion. I do not believe the President is opposed to the institution of territorial government in the territories, or that he desires the existing condition of affairs to continue in New Mexico, if we can institute civil government there without sacrificing the public peace by an unworthy quarrel over the matter of slavery. On the contrary, from my knowledge of the character of the President, I believe an adjustment would be to him a source of unalloyed satisfaction, and if the legislative department can progress to the full discharge of its duty, without a sacrifice of the Union, it would realize his hopes and meet his hearty coöperation. I do not know the opinions of cabinet ministers—nor do I care what they may be. I only speak from documentary evidence in reach of all, as to the views of the President. Injustice is done to the President by the attempt to construe his message into an *advocacy of non-action, as the preferable policy under all circumstances.* In advising Congress to abstain from the introduction of topics likely to produce geographical discriminations and sectional parties, General Taylor acted upon the supposition that California and New Mexico would both apply directly for admission *as States;* and it was believed the silent operation of popular power might avoid the necessity of congressional action in the matter. But the hope of General Taylor has not been realized—New Mexico has not applied for admission as a State.

On the 31st December last, by a vote of 101 to 83, this House refused to lay on the table the resolution of an honorable member from Ohio, directing the Committee on Territories to report a bill for the provision of territorial governments, with the prohibition of slavery attached thereto. On the 21st of January, 1850, the President communicated a message containing the departmental reports touching California, and availed himself of the opportunity to review the reason for his original suggestion of delay in congressional action, and also to add another suggestion why the delay should be continued in regard to New Mexico. The vote on the resolution of the gentleman from Ohio had fortified the apprehensions of the President, that "excitement would prevail to an undue extent." The Texas claim is, in this message, for the first time brought forward, and the President, with due regard to the feelings of Texas, suggests that, until Congress has devised a mode of adjusting that interference, the institution of a territorial government, embracing the interference and superadding to existing causes of disquietude any oppression of Texas, might not be politic. The President, even in this message, shadows forth again the idea which induces his recommendation, and it is this, that Congress is in a temper and state of feeling which unfit this body for the temperate, proper, and complete discharge of its duty in regard to the territories; but nowhere does the President intimate *that he prefers non-action per se as a national policy.* On the 4th of February, this House, after some interchange of opinion, decided, by a vote of 104 to 89, to lay the resolutions of the gentleman from Ohio on the table.

The question, then, before us is this: Cannot the representatives of the States and the people adjust this matter on some definitive basis, which shall amount to a full discharge of duty, and silence those agitations that so lead to "geographical discriminations" in legislation? A basis for an adjustment of the Texas boundary has been suggested at the other end of this Capitol, which thus far has elicited no objection. I will not agree to disintegrate Texas *without her consent,* and I advocate her claim to the extent of boundary *claimed* (not occupied) at the commencement of the war. I am not much inclined to buy from her; yet, on a general settlement and a full footing up of the account, I would interpose no objection to the money item in favor of Texas, for the sake of peace and national quiet. We should, at last, pay the money to our own people, and no economy in a matter of money can justify even the hazard of disunion.

I act upon the convictions of duty. I believe that obligations of no ordinary character demand the institution of civil government in New Mexico and Deseret, without further delay. A failure to perform our duty, will proclaim the extreme peril of our institutions, from the existence of a radical division of sentiment about slavery among the people of the States. Ingenuity and self-interest will soon devise the means of making up the issue between us, and once made, the destruction of the Government will be materially forwarded, and may not be avoided.

But we owe the discharge of this duty to consistency. We spend hundreds of thousands of dollars annually to provide civil government in the territories of Oregon and Minnesota—why shall we fail to institute the same government in New Mexico and Deseret? Is it only because slavery is prohibited in Oregon and Minnesota? New Mexico has a commerce far more valuable than that of Minnesota—a population surpassing that of Minnesota in numbers—more defenceless—far more requiring the aid of Government, and the protection of the strong arm of the Union. I cannot listen to the plea that she has a better government now than formerly. I have conversed with the intelligent delegate deputed by that people to bring here the representation of her grievances.

What sort of a government has New Mexico? Sir, a government emanating from Executive authority only, and carried out by a military chief acting under Executive order. Are the rights and remedies of creditor and debtor regulated by law? Are the persons of citizens secure? If the commandant of a post shall order the collection of debts to be suspended, as to a given individual in community, his order will be obeyed; if he shall order a citizen to be tied to a cannon for breach of military regulation, it will be done. This may be better than the New Mexicans were accustomed to before the treaty of cession, and from the barbarity of some of their officers to the Santa Fé prisoners from Texas, I think it probable it is an improvement upon ancient customs; but, Mr. Chairman, it is not the government an American citizen has a right to expect, nor does it comport with my ideas of the enjoyment of regulated civil liberty.

I confess, I do not appreciate that philosophy which would convince me that to-day the inhabitant of New Mexico has no need of a territorial government established by law, because the benign teaching of a regular soldiery is an improvement on his former condition, but that to-morrow I shall trust the same New Mexican to frame a State constitution, republican in its character, and shall embrace him as an equal in privilege, and counsel as to the policy of our glorious Union. If California has framed a constitution prematurely, and without consultation with Congress as to the proper time, because we have not discharged our duty to her people, when I am officially informed that New Mexico is expected to do the same thing—these people to whom anarchy or military rule is an improvement—I feel that there is no longer a plea for delay in the performance of our duty. But again: I must express my extreme disinclination to the continuance of a government over any part of the American people, in which an officer of the regular army plays the governor, and the power of the State is maintained by military authority. It is a precedent only justifiable in a case of extreme necessity—a precedent to be dispensed with as soon as possible, not to be prolonged indefinitely—a satrapal power uncongenial to the spirit of American institutions—at war with every notion of just government in a republican system, to which I have been educated—dangerous in its example to the rights of the citizen, and the liberty of the States.

And why shall we not perform our duty, our whole duty, to these infant provinces?

Tell me not it is the plan of the Administration to delay. I have already commented upon the views of the President. According to my construction, he says to us, by implication as forcible as language can convey, that our duty is apparent to him, if we have the patriotism to discharge it—at all events, it is apparent to me. My action as a legislator is the consequence of my own judgment. I pursue the true spirit of the declaration of the Executive, that, the independence of the representative is indispensable to the preservation of our system of self-government, and that he owes no responsibility to any human power but his own constituents.

I acknowledge the astuteness of those who have rallied upon what they are now pleased to term "the plan of the Administration." Sir, the Executive who heads this Administration, holds the doctrine (if I understand the principle upon which, above all others, he came into power) that plans are to be devised *here*—in the legislature—and merely to be executed by the department of which the President is the chief. Justice to the President will not authorize the declaration that *this Administration is committed to any plan.* It will subscribe cheerfully to whatever constitutional and considerate plan the wisdom of Congress may devise. The motive inducing the adoption of the principle of "non-action" are so clearly displayed in a letter of the gentleman from New York [Mr. Duer] to his constituents, as not to require any power of analysis for their comprehension. The policy surrenders no view of the "Free-Soil" party. Proceeding upon an expectation that the territories will voluntarily exclude slavery, it reserves the power to interdict it by express legislation, should the territories fail to do so. It applies the fable of the faggots to this case, introducing one State at a time, carved out of parts of the public domain, under the practical assertion of a principle, the immediate application of which to the whole domain would be so obnoxious to the slaveholding States as to be intolerable. By refusing to act at all, it throws the onus of all agitation apparently upon the slave States. It finally attempts to clothe itself with the name of an "Administration plan," and to bring to its aid the popularity and name of the President of the United States.

Mr. Chairman, I know no party or section, in the adjustment of this delicate and difficult subject. In my reflection, I find that the geographical extremes of the country are most excited, and least likely to listen to terms of conciliation and accommodation. I have tried to embrace the whole country, and to know no guide but the common good. If you will accept the counsel of the borders where the different systems of labor come into contact, this controversy will be settled in a day. If its adjustment rested solely upon the voice of the Valleys of the Ohio and Mississippi, it would not last a week. No speakers seem to have realized the fact, that in this Government there is a region where cotton and sugar do not grow, and where manufactures and navigation are not the only employments of industry. There is such a region, and *its united voice will be heard.* It is a region that the hand of Omnipotence has marked for the heart of a splendid empire. Already the great granary of the continent, directly it will be the centre of political power, as well as of the military strength of the Union—I mean the Valleys of the Ohio and Mississippi. The interests of that people are identical, no matter whether they live in a free State or a slave State; and they cannot be induced to sacrifice their welfare or their friendship for the triumph of any extreme doctrine about slavery. The farmers of the West see capital industriously engaged in contriving the ways and means of commerce between them and the Atlantic. They recognize the fact, that they feed the slave who produces cotton in the South, and the operative who manufactures it in the North. The South Atlantic States struggle to reach the Valley of the Ohio with their railways, and directly Ohio and Indiana will transport hogs, and cattle, and flour, by railroad to Charleston and Savannah, or distribute them to Mobile, Pensacola, and through the cotton-growing States. On the other hand, Kentucky, and Tennessee, and Missouri, will use the ways of Ohio, Pennsylvania, and Virginia, to reach the Atlantic with their tobacco, hemp, and stock. The staples of these States are the same. They are competitors in the markets of the Union. They are friends and brethren. Will the free West pursue a policy which can only serve to annoy the South, and to alienate the friendship of the southern people? Will the corn grower on White river, or the

Wabash, vote to produce a state of case which may cut off his own market? Will he pursue a mere sentiment—an idealism, never to be rendered practical—when he sees that it deprives his neighbor of rights esteemed dear, and produces discord where all should be harmony? I should be willing to leave this question to my neighbors; I believe they would do us *justice*. I expect it at the hands of their representatives.

Mr. Chairman, before I conclude these observations, I desire to say a few words in reply to the frequent expression which has been given upon this floor, to the idea of using military means to keep the States in union. The Union was not founded on the principle of *force;* it cannot be preserved by such application. It rests upon mutual interest, and exists alone by the observance of the rights and feelings of every section. Whenever force shall be necessary to make its parts cohere, the spirit in which it originated will have departed, and the value of what remains will not compensate the trouble undertaken for its preservation. But above all things, the idea of force wielded by a moiety of these States to coerce obedience from the other moiety, is most preposterous. We may, by a proper and speedy adjustment of this delicate point in our relations with each other, open the new leaf of our national history, with the most cheering prospect of inscribing thereon the peaceful progress of arts, commerce, and manufactures—the story of a people wisely continuing to govern themselves by the honest observance of mutual good faith, and steadily developing the resources, physical and intellectual, of a noble country. By proving ourselves unequal to the duty which lies before us, we may write upon that page the last history of a splendid empire, whose bright hopes were prematurely crushed by the unworthy jealousies, the unbridled cupidity, or the reckless ambition of her own degenerate sons, for future ages to contemplate with grief and wonder.

I have not spoken of disunion. Kentucky has not contemplated it. With unswerving confidence in the good faith of the great body of the people of other States, she continues to rely upon the maintenance of the Union as a fixed fact—an axiom—a thing taken as granted. She makes no calculation of its value; all her political arithmetic embraces the good and glory of our common country. To peril the Union by any policy which impairs its value and integrity, will be deemed by her people a crime of the deepest dye. To menace its safety and perpetuity by unconstitutional and oppressive legislation, inviting resistance to usurpation, is to summon the people whom I represent to look to the security of their hearth-stones and the honor of their families. To do any act which should dissolve the Union, would be to concentrate upon their heads the horrors which must attend such a scene. My mind refuses to contemplate the transformation of Kentucky in the event of such a catastrophe. I look back upon her origin, a wilderness—upon her present, a garden—upon her future, the very centre and heart of a glorious and mighty nation, claiming sympathy in the successes or reverses of its remotest extremities, with all the pride and devotion of filial affection. Amid her green-woods, cities have risen, where enterprise and toil garner wealth from growing commerce. Upon her fertile fields, industry sows with the assurance of abundance in the harvest. Amid her cottages, the merry shout of innocence is heard, and in her churches the prayers of pious age. "Peace tinkles on the shepherd's bell and sings among her reapers." Her homes are the abodes of plenty, and the fires of patriotism still burn upon her altars. Were this Union lost, the bugle would wake the echoes from her hills, and the martial drum would sound along her valleys—the pruning-hook would be exchanged for the sword—the church would be turned into a barrack—her fields would be trodden by the feet of soldiers, instead of farmers, and her frontiers would constantly bristle with bayonets for protection or aggression. It is for her a proposition to exchange the smiles of peace for the frowns of war—prosperity for adversity—abundance for desolation. I have seen war upon the face of one country, and whether force be "an army of occupation" or of invasion, I know that the presence of an army is a stern and awful calamity. I am a native of Kentucky. Never by act of mine will she be made the Belgium, upon whose bosom is to be repeated in America the contests of rival nations. I behold her interests plainly. I know her people intimately. Her voice strikes upon my ear from beyond the mountains with the authority of parental command. She is true to the Union. When her assembly inscribed upon the marble from her quarries, fashioned for the monument to the Father of his Country, "Under the auspices of Heaven 'and the precepts of Washington, Kentucky will be 'the last to give up the Union," they only engraved upon the stone the undoubted sentiment which throbs in every pulsation of her own great heart. Her delegation in this Congress, with unanimity, will lend the sentiment full and unequivocal approbation.

Kentucky is thus attached to the Union, because she regards it as a Union of equal sovereign States, based upon equal rights, equal dignity, justice, good faith, international regard, as well as constitutional obligation. She knows her own duties and rights in the Confederacy. She will perform the one and maintain the other.

Should she be disappointed in her just anticipations of the course of her sister States, and a line of conduct be entered upon by them destructive of the value of the Government, by an abuse of power for the manifest purpose of oppression, or to attack the right to, and security of, property held by Kentucky, as well as her more southern neighbors, by a tenure independent of the Constitution, no suggestion of the proper remedy will be required by Kentucky. She will be found fit for "honor's toughest task," ready to vindicate her rights, and to redress her wrongs. I hope, however, that a spirit of justice will preside here; that a patriotism comprehensive enough to embrace the whole country will guide our action; that, by wise and timely concessions to one another, a patriotic forbearance and regard for the interests as well as rights of each other, the landmarks set by the fathers of the Republic may not be lost sight of, and the Union may be immortal.

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SPEECH

OF

HON. JAMES MEACHAM, OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES, MAY 14, 1850,

In Committee of the Whole on the state of the Union, on Mr. McClernand's *Bill relating to California.*

Mr. MEACHAM said:

Mr. Chairman: The bill before us proposes to admit California, to erect territorial governments for Utah and New Mexico, and, by the purchase of the claims of Texas, to settle the boundaries between that State and New Mexico. I propose to discuss that bill. It is a practical subject. Whoever consents to take part in the present discussion, and scorns to repeat the arguments of others, must be content with the critic's reputation, of having been at a feast of learning and stolen the scraps.

It is surprising to see the efforts on the other side of the House to make political capital out of the pending controversy. The gentleman who has just closed [Mr. Savage] is the most zealous of the number. They seize the floor, and rush forward as if to announce a new discovery. With all the earnestness of the philosopher rushing from the bath, they cry "Eureka! Eureka!"—*I have found it! I have found it!* Found what, sir? Why, I have found, that in the last presidential canvass the friends of General Taylor used different motives in different sections of the Union, to aid his election. If granted, is there anything new in that? Has not the same been true in every election since the time of President Monroe? Was not that true of the friends of Adams and Clay, Crawford and Jackson, and the successor of Jackson? Take any subject that had been prominent before the country, turn it any side up, or either end up—turn it inside out, or outside in, and on ever face, you would find either a vote or speech of Mr. Van Buren. Sectional motives were plied in the election of Gen. Harrison. The friends of Mr. Polk had more than two—they had Texas, the tariff, and the Northwestern boundary. They had a motive for the torrid, the temperate, and the frigid zone up to 54° 40′. We can come nearer home to those who are waging this war for political gain. Go up to the gallery of the Patent Office, and in a case hard by the camp-chest of Washington, you will see a form having two heads—one looking north and the other south. I will not vouch for the chronology which asserts that it came into life on the night of the last Baltimore Convention; showing that nature, even in her lowest works, sympathized with the sublime production of the day, that came forth upon the stage with one life written for the face that looked northward, and another for the face that looked southward. I do not bring forward these things as charges against the distinguished men to whom they refer. Such motives may be used by the friends of a candidate without any just accusation of duplicity against the candidate himself. But I do bring them for a purpose they serve, to show the gentleman, that if he courts a contest of this kind, there may be blows to take, as well as blows to give.

These things are not to my purpose or my taste. I have regretted to see men showering down upon this House the relics of old partisan sectional stump speeches, only that they might trickle back to the great ocean, and be taken up and poured out on some after Congress in a more furious deluge. It is for our shame that we have wasted so much time in squabbling over party politics and hurling provoking sectional taunts, while the sublimest spectacle in the history of the world is passing before us.

This discussion has often recalled a description given by Livy of a Roman battle-field, where the combatants, shrouded in a temporary mist, were so hotly engaged in the contest, that they heeded not a violent earthquake which was shaking their cities, changing the course of their rivers, and upheaving the foundation of the mountains. The Spaniard was on the shores of the Pacific an hundred years before Smith landed at Jamestown, or the Pilgrim trod the rock of Plymouth. Since that time, the Saxon race has crossed and conquered a continent. They have reached the shore, and in three years done more for mankind than the Spaniard had done in three centuries. They have not, like Cortes and Pizaro, seized the golden stores,

and fled from the country, leaving the marks of their desolation in smouldering villages and a slaughtered people. They have settled down in that country as their home. They have shown their purpose and their wisdom, in framing and adopting, as their own, one of the noblest State constitutions ever formed by human hands. With that constitution they appear before us, and ask for admission. Relying on the practice of this Government, on the plighted faith of a treaty, and on promises made before the conquest, they demand a place in this Union. Why are they not admitted? Their proceedings are charged as irregular: Congress has given them no power to form a State government—they have had no census. Grant it; but it is shown that they are in the line of safe precedents, by acting as a majority of the seventeen new States have acted. It was proved, beyond controversy, in the Senate yesterday, by Mr. CLAY, that they have a population entitling them to two Representatives. It is charged that foreigners voted in their elections. Grant that, too. How was it in Michigan? Foreigners were marched to the ballot-box, in Indian file, and deposited votes which they could not write, or read, or understand, when spoken. The convention, that gave assent to the conditions of admission, was not called by legal authority, but by the chairman of a Democratic State Committee. Not one-third of the people of that State ever assented to the terms of admission. I had prepared myself to discuss the whole question, but others more fortunate in gaining the floor, have brought out the main facts. I do not propose to repeat them. I have no disposition to turn over the old kaleidoscope to get a new reflection from the same bits of broken glass. I consider the objections as really given up. The gentleman from Georgia, across the way, [Mr. WELLBORN,] whose spirit we all admired, and I wish all might have imitated, proposed to admit California with her present constitution, restricting her southern boundary to 36′ 30° north latitude. Was there any more irregularity in the want of congressional action, or in want of a census, or in votes of foreign population south of that line, than there was north of it? If not, then that offer surrenders the whole question, on the ground of irregularity. Almost every southern speaker has consented to give up his objections, provided territorial governments are given to Utah and New Mexico without the proviso. What does that prove? One of two things, most certainly: either that there is no real objection, or else, that it stands on such slippery morality, that it can be moved for a fair price. Every one can have his choice in the horns of that dilemma.

But when you have given up all controversy about California, why link it with others, many of them old and offensive, about which there is dispute? Why bind the carcass to the living man? I have a right to a vote on California as a distinct measure. I have a right to put myself and my constituents on the record in her favor. No man can justly deprive me of that right by compelling me to vote against California because you have united it with other hostile measures in a huckstering compromise. Why are all the measures to be settled from one section? We have measures at the North in which we feel a strong interest. We wish a change from the tariff policy of 1846. The wool-growing and manufacturing interests, and the iron interest, are all staggering on the verge of ruin; they are in a state of siege, looking, as they have a right to look, for the Government to come to the rescue. Many of the manufacturers of the North have struggled against adverse fortune without a dividend since the passage of the tariff of 1846. Intelligence has just reached us that in one village a thousand operatives are thrown out of employ in a single day; and that in three months, probably more than ten thousand must share the same fate in New England. In these circumstances we are tortured by this perpetual delay. As a northern man, I feel mortified that five months of the session are now passed and the Committee on Manufactures have not had their first meeting. We feel anxious that something should be done by establishing an agricultural bureau to aid the farmers, who constitute two-thirds of the people of this nation. The Government has worked long enough for the benefit of politicians and placemen; it is time that something was done for the people themselves. We wish to see improvements in the rivers and harbors in all parts of the land, a measure that was thwarted by an Executive veto. Now, suppose we insist on inserting in a compromise all these measures for commerce and agriculture and manufactures, and declare the one shall not pass without the rest, California will appear with a tail as long and ominous as the tail of a comet, portending war and pestilence to the land. Why are sectional interests linked with her? Is it not a confession that they cannot be risked on their own merits—that they cannot go alone, and therefore they must come crouching along under the wing of California? The splendid vessel, rigged and manned on the distant shore, starts on her voyage; she doubles the cape; at length the signal announces that she has reached the offing. The masses of people, roused and joyous at the tidings, throng the beach to witness her advent. The cry arises, why does she delay her coming? The only an-

swer that can be given is, that there is a bantering process going on in the commercial divan. Each one wishes to profit by her coming. She must tow in his packet, or his sooty whaler, or junk, or fishing smack. At length it is gravely decided that she must put out to sea again, or come dragging on behind her all the old, crazy, crippled, water-logged craft on all the coast.

The second proposition of this bill is to erect governments for Utah and New Mexico. I object to it, because it excludes the ordinance of 1787. Vermont was the first to exclude slavery from her borders. She was the first to take the position now held by the free States in regard to slavery in the territories. On November 11, 1819, she passed this resolution:

IN GENERAL ASSEMBLY, *Nov.* 11, 1819.

The General Assembly of the State of Vermont view with deep concern the attempt to introduce slavery into the territories of the United States, and to legalize it in States to be admitted into the Union. They regard it as a measure manifestly tending to increase and perpetuate an evil of no ordinary magnitude and danger; of magnitude, as it deprives a portion of mankind of those privileges which republican principle guaranties to all; of danger, as it may, and that possibly at no distant period, subject the master to the vengeance of the slave; and, as it will retain the physical force of the slaveholding States for self-preservation, when it may be most needed for national effort or defence. They regard it as tending to increase the number of slaves; as the extending their territories, and increasing their demand and value, will encourage the violation of all laws made to prohibit their importation; and as tending to perpetuate slavery, by adding the influence and power of States to be formed within our territories, which eventually may constitute a majority of the Union.

They do not perceive that the plea of necessity, on which the existence of slavery can alone be palliated, will extend to the territories of the United States. They cannot doubt that the powers of Congress are adequate to the effective prohibition of the further introduction of slavery, that they have the supreme power of legislation over the territories for all purposes of national concern, and that they are not bound to assent to the admission of any State into the Union, unless upon such conditions as shall be consistent with the general welfare.

The General Assembly do therefore resolve, that our Senators be instructed, and our Representatives in Congress be requested, to use their influence to prohibit the introduction of slavery into the territories of the United States, and to prevent its being legalized in any State hereafter to be admitted into the Union.

She put her reasons on the record, that slavery is wrong in itself—that it tends to weaken the national strength—that it cannot be tolerated on the plea of necessity—and that Congress has the constitutional power to prohibit it. These are her sentiments now. The doctrine that controverts them is a modern doctrine, affirming that men may go to any territory of the United States, carrying with them all that is held as property in their several States. There is a remarkable uniformity in the utterance of that doctrine. Look through the long debates in both houses of Congress, and you see it always in the same stereotyped form. We should suppose that as a mere matter of taste, for the sake of novelty, it would sometimes be varied; but it still holds the same immutable formula. The reason is plain—change the expression and you kill the doctrine. Say that you have a right to carry your local laws into the territories, and you make an equivalent expression that every lawyer will drop like hot iron. It is not true as to any State, north or south. There are fifty men in Vermont who own a bank, with a capital of an hundred thousand dollars. They hold and manage their property by local laws of the State. They now propose to take that bank and migrate to California, where the law prohibits banking, or to a territory where there are no laws on the subject. They propose to hold and manage their property in their new residence just as they have done in their old residence. There is not a country justice in all the land so green that he would not laugh in their faces.

Why was there a constitutional and legal provision for the recapture of fugitive slaves? If they are property under the general law of the land; those provisions are needless. Their adoption and the present demand for their execution, is a confession that slaves are held as property by local laws, and cannot be carried beyond the jurisdiction of that law. A slave escapes and makes his way to Canada; in your stables is a horse that has been fed and groomed by that negro; he snaps his tether and follows over the same road to the same place. You can go and take the one, but must leave the other. Why is this so? Because the one is, and the other is not, held as property by the common law of the world. Take a slave and cross Mason and Dixon's line. The moment you have passed that boundary, he ceases to be property. You are still in the Union, and under the shield of the Constitution. Why can you not still hold your property? Because the power of your local law is exhausted. You have gone beyond its limit. As a reasoning man, tell me the difference between facing northward and westward, when you cross the line of demarkation for local slaveholding law.

The sentiment of Vermont is sustained by southern authority. It is found in the celebrated Mississippi case, Groves *vs.* Slaughter, tried in the Supreme Court of the United States, January, 1841. That case had reference to the inter-State slave trade. In the argument of it, the Hon. R. J. Walker assumed that Congress had no power to regulate the traffic in slaves, because they are

not property but persons. They are not merchandise, subject to the general commercial regulations, because they are not recognized as property out of the State where they are held. "It was 'commerce in merchandise, regarded as such by all 'the States, and not commerce in persons, that was 'designed to be regulated by Congress. Commerce 'in persons, if it may be so called, was not in-'tended to be regulated by Congress, because it 'was peculiar and local, and not national."—*Appendix to Peters's Reports, vol.* 15, *p.* 53.

If that doctrine be true, it is because slaves are property by local, and not by general law. That is the sentiment of Vermont. It is not new. It is older than the thunder of Winthrop, or Webster, or Wilmot. The old battery, whence it originated, is still sound, and sends forth its annual charges. I believe it has been found easier to pervert than to answer it. It was declared thirty years since. In that time, five new slave States have been admitted. She has remonstrated against them all, and most earnestly against the last. But they have been admitted by the constituted authority, and she has submitted. A whole generation has come and gone since that was proclaimed. It was the utterance of honest sentiment, and had no reference to political effect, the Senatorial sneers of New Hampshire to the contrary notwithstanding. Recent events lead us to suppose that her sister States do not accuse Vermont of putting her light under a bushel, or smothering her sentiments in her archives. She does not spring upon you with a new principle, after the territories were acquired. You knew beforehand that if that territory was acquired, Vermont had a lien upon it for freedom. You took it with that mortgage. She is not prompted by the flashy and flippant zeal of a new political convert, but by long-settled and abiding principle. Her choice, most unquestionably, is governments for the territories with the proviso; that was first presented for adoption. If that cannot be secured, there is as little doubt that she will *sustain* the plan of the President. She regards the plan as originating in patriotic motives; and she esteems its author as one of the most impartial, and noble-minded, and national-minded patriots that has trod the presidential platform since the organization of the Government. But she can consent to no plan, to no action or non-action, and to no compromise that does not give positive and permanent security for freedom in the territories. You cannot change that purpose. You may as well attempt to unsettle the foundations of her everlasting mountains.

The third proposition of this bill is to purchase the claim of Texas to the disputed territory between her and New Mexico. It was amusing to see the manner in which that matter first came before the Senate. A bill was reported for the admission of California, and for territorial governments for Utah and New Mexico. For these the committee were responsible; and then there came trotting into the camp a loose unbridled colt that no man would claim and no man would own, a proposal to purchase for a blank sum the claim of Texas. The author of this bill, with a bolder hand, has caught and harnessed that colt; whether it will add strength to the team, time alone can determine. He has at least fixed the price; he proposes to pay ten millions of dollars. I suppose it is already irrevocably ordained that we and our children, and our children's children, are to be taxed for Texas. I trust that, as free agents, we may have a voice in determining whether that burden shall be increased. Many words have been wasted to show who is responsible for the annexation of Texas, and the evils that have flowed from it. It is easily settled; for the facts are recent, and any intelligent man can relate them without a reference to documents. I ask your attention to that point, and I do so with no design of gathering materials for reproaching any man or party. "I speak with the freedom of history and without offence." In April, 1844, President Tyler sent to the Senate a treaty of annexation, which was rejected by a vote of 16 to 35, but a single northern Senator, Mr. Woodbury, voting in favor of it. At that time all parts and all parties of the North were decidedly opposed to it. This is shown by the resolutions of Conventions and Legislatures, and the voice of the press. A Democratic organ uttered the general sentiment, when it said, "rather than annexation let there be an impassable gulf between Texas and the Union." The matter was taken into the Baltimore Convention, was inserted and announced as a part of the Democratic creed. Then there was a change, a great and sudden change. A large portion of the party wheeled to cover their file leaders. We went into the canvass, the Whigs North and South against annexation, the Democrats North and South in favor of it. In New York there was a small party which held the political balance of that State, when New York held the balance of the Union. If this is not clear, every one may see a parallel in electing the Speaker of this House. In both cases the balance was so managed, by design or accident, as to secure the triumph of the Democrat and the slaveholder. We came out of that canvass with fifty-eight electoral votes of the North for Mr. Clay, and one hundred and six for Mr. Polk. This was regarded as the popular decision. In the next Congress Texas was annexed, by al-

most a clear party vote throughout the Union. It will be seen, then, that so far as power is concerned, the gentleman from Maryland [Mr. McLane] is right in his boast, that it was done by Democratic power. But there is a question that lies farther back, who put that power in motion in that particular direction? Not northern men, certainly, nor southern men as a body, nor even as a majority, but it was done by men from the South, having for their avowed object the protection, if not the extension, of slavery. The war and acquisition are the acknowledged, as they were the foreseen results. This is the history, and it shows us who are responsible for the present crisis—who have brought upon us our present dangers—why it is that the waves are now dashing over us, while we are almost helplessly wallowing in the trough of the sea. If the tempest shall drive us to the cliffs, every survivor on every floating fragment of the wreck will curse the plan of annexation and the authors who brought it upon the country. Let those who have caused these perils of the Union now come forward and remove them; let them exorcise the spirit they have raised. They have the power in both branches of Congress—if they will use it for a just and honorable settlement of this controversy of their own creation, they will receive from a generous country not only oblivion of the past, but gratitude for the future.

An important element in the campaign of 1844, was the impression made at the North that if Texas came into the Union, at least one-half of her territory would be free, because the soil and climate were not fitted to sustain slavery. That was the burden of the press and the political orator. Among numerous authorities to prove it, no name was more frequently cited than the name of Henry Clay. But when Texas came in, covered all over with slavery, the people were disappointed because they had been duped. It was this that caused a revulsion of feeling, in a large portion, back to the original point. This will solve for my predecessor, [Mr. Savage,] what appeared to him a great mystery, that there should be such a vote for Mr. Polk in the North, with Texas as a test, and still the men who voted in Congress for annexation should be so unpopular. Those men saw what was coming, and the moment of leaving these halls, they fled for a city of refuge as if the avenger of blood was on their track, and they never halted till, panting and breathless, they stood under the same shelter with Dix and Niles.

One part of that territory was secured to freedom by the terms of annexation. "In such State 'or States as shall be formed out of said territory 'north of said Missouri compromise line, slavery 'or involuntary servitude (except for crime) shall 'be prohibited." That declaration is positive, unconditional; dependent neither on the assent of Texas, nor the people who shall form that State. Is there any possible way of avoiding that contract? The gentleman from Texas [Mr. Howard] seemed to have made the discovery. On the 22d January he made this declaration:

"The two Governments did not undertake to abolish slavery in any portion of Texas by the resolutions of annexation. It was an institution existing in the whole extent of Texas, and must so continue to exist, unless abolished by the State itself, or unless Texas shall consent to the formation of a new State entirely north of 36° 30′. If there is any portion of the new State south of that line, Texas has a right to insist upon its coming into the Union with slavery; and good faith to the South requires that she shall insist upon the terms of the compact. Sir, Texas will stand up to the South, on the question of southern rights, as one man. She will never consent, under the pretence of settling her boundary, that her rights as a southern State, under the resolutions of annexation, shall be impaired, by introducing within her limits the principle of free-soil where slavery is guarantied to her by the compact."

It is now settled how Texas will stand up to the *South*. Will the gentleman take some proper occasion to tell us how she will stand up to the *North*?

That is in keeping with an intimation given in the Senate, by Mr. Foote, just six days before, that no State would ever be formed out of that territory the "*whole* of whose territorial domain will be located north of the line of 36° 30′." All which being interpreted, means this: Whenever that part of Texas is formed into a State, it will be united with a portion of territory south of 36° 30′, and that part south of 36° 30′—though only a rood in width—will determine the character of the whole new State, making it a slave State. You have now almost the entire State of Missouri for slavery, north of 36° 30′. You design, contrary to an express contract, to have 5° 30′ of Texas, north of that line, for the same purpose. I now put it to the gentleman, if that is not the fair inference and the real meaning of his language? [Mr. Howard rose in his place and assented.] The gentleman assents. And I ask him to show me, in the whole history of this Government, such an instance of a violated compact. Texas voluntarily made that pledge; her own Representative now boldly declares that she does not mean to keep it. Can that gentleman, or any other approving such conduct, turn round and talk about "doing justice and standing by compromises?" The genius of Texas is prolific. That was the most original thought of this session, till it was eclipsed by the gentleman from Maryland, [Mr. McLane,] in regard to this District. He says, "if Congress shall abolish slavery in the District of Columbia, Maryland could resume her jurisdiction over the same; her courts, her processes, and her constables, are all at command, and even her militia." We had supposed that Congress had exclusive jurisdiction over this territory; but it seems that Maryland has reserved rights, which underlie all her cessions. This is certainly the most novel—to freemen the most insulting—doctrine of the session. It assumes that we are here the mere wards and tenants-at-will on the domain of Maryland. If we do not legislate according to her judgment, she is ready to spring upon us with all her civil and military power.

Put yourself on that doctrine before the people of this nation, and they will tell you that you stand on a slippery place, and the things that shall come on you make haste; that the inhabitants of this District will have their choice between their slavery and their capital. But let us return to Texas. There are two questions to be settled: has Texas a right to sell? and if so, do we wish to buy? I have examined with care, and I trust with candor, all the arguments of the eminent Representatives in the past and present Congress. I admit their ability and apparent sincerity. I must confess, at least, some lingering doubts as to the title of Texas to lands which she claims as against New Mexico. She cannot hold by any act of this Government. The resolutions of annexation were passed before the constitution of Texas was adopted, and, con-

sequently, before those expanded limits were authoritatively claimed. We suppose those resolutions admit as a State, that Texas which was a Mexican province. By those limits, as laid down by Humboldt, I am willing to abide. She claims according to Disturnell's map, because that map was appended to the treaty with Mexico. It was acknowledged, before a committee of Congress, by the publisher of that map, that the Texian boundaries were so arranged as to make it saleable in a Texas market. I do not wish to abide such authority. Texas cannot hold by any act of Mexico. It is asserted that a treaty was made with Santa Anna while he was a prisoner. The validity of that treaty depended on the after ratification of Mexico, which was never given. Texas may have been unjustly treated in the transaction, but that does not make her treaty good. She cannot expect to add to its force by showing that she has been outwitted and cheated by an acknowledged rascal. The capitulation of Bexar, and the testimony of a subaltern general, Filisola, and the Mexican Secretary of War, are good evidence to show that there was a compulsory consideration with Santa Anna. He was compelled to use that as a means of escape from the toils of his conqueror; but they prove nothing as to a consideration between Texas and Mexico. Suppose Burgoyne had promised, on consideration of getting out of the clutches of Gates, that the St. Lawrence should be the boundary between the United States and the British provinces, should you expect that promise to be kept? His master would have told him that he was sent out to fight, not to sell territory or settle boundaries. Mexico, with Roman sternness, declares that she sent her general to defend, and not betray the country; that she is not bound by his treaty, because she never gave him power to do that kind of business.

The great authority of Mr. Polk is brought to sanction the claim. I do not propose to balance it by the authority of another President believing exactly the reverse. There are many things in which the opinion of Mr. Polk would have great influence with me, some in which it would be final. This is not one of them. With the strictest integrity, which I cheerfully accord him, he had a strong bias to partial decision. Texas made him President, and he must have felt bound by gratitude to her. When that opinion was first expressed, it was for extending the territory of his own country against a foreign power. When he reaffirmed it, he had a still stronger motive. It was the only defence for the Mexican war. Take away that, and you leave him without apology for one of the greatest acts of injustice in modern history. In questions of this kind Mr. Polk does not carry the usual weight of his own great authority. When a man has made a "clear and unquestionable" mistake of five degrees and two-thirds, in a northwestern boundary, you must not quote him on me, to decide a point in southern geography.

My deliberate conviction is, that a good businessman would not buy a farm of mountain or desert land with no better title than Texas can give to that territory. But if the title is good, if she could bring a guarantee from the Creator of the world, why should we wish to purchase it? If it is really hers, let her keep it; if not, we do not wish to buy it. Certainly we cannot think of doing so with the amendment which the honorable member [Mr. HOWARD] has offered to this bill. That amendment proposes that the laws permitting slavery shall continue in force in that territory, till it shall be formed into a State. We have been often told, that we are not called to legislate for establishing slavery, but we have here one remarkable exception. We are asked not only to buy territory, but to take it under the incumbrance of slave law. If any man consents to vote for that purchase under those conditions, and has not dolts, or doughfaces for constituents, he had better weigh it well, whether that vote will not sign his own political death warrant. I cannot look upon the effort of Texas in any other light than a bluffing, browbeating game, to wrench that territory from a weaker neighbor. If we, by any act, consent to that usurpation, I trust we shall have sufficient self-respect forever to keep silence about the partition of Poland.

It is said we may as well take the land, for we are liable for the debts of Texas, because we have taken her commercial revenues which were pledged for the payment of these debts. That may be true, but did not Texas agree to raise that mortgage? Is she not bound in honor to do it? We gave her means enough and more than enough. This is shown by the resolution.

"Said State, when admitted into the Union, shall retain all the public funds, debts, taxes, and dues of every kind, which may be due and owing said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas; and the residue of such lands after discharging said debts and liabilities to be disposed of as said State may direct; but *in no event are said debts and liabilities to become a charge upon the Government of the United States.*"

Other new States give up their lands to the General Government and pay their own debts. Texas derives her portion of the benefit from these, and retains all her own. It was assumed that they would more than pay her debts: she had the control of the "*residue.*" This was on condition that in "NO EVENT" should her debts and liabilities be a charge on the Government of the United States. We wish to hold her to that contract. Texas is reported as having *one hundred and eighty-four millions* of acres of vacant and unappropriated land. One of her honorable members [Mr. KAUFMAN] thinks that too high an estimate. Grant that it is so; reduce it as you please, there is still a large residue beyond the payment of her debt.

I object to the payment of that debt on account of its character. It is her revolutionary debt. We have not yet paid our own. The payment of that will be a standing invitation to revolt in the provinces of a neighboring Government, urging them to cut loose from their present connection and fight their way into this Union, and all their expenses will be paid. What other proof will be asked than that we have twice paid the revolutionary debt of Texas? I do not propose to offer any such premium on rebellion.

I have now called your attention to all the subjects in this bill. I have a few moments for a brief allusion to other subjects deemed proper for general discussion. Additional security is demanded for the recapture of fugitive slaves, because of alleged injustice and hostility at the North. Allow me to give you one cause not yet assigned, for the existence of that feeling. You may be startled when I tell you most decidedly that men from the South, in attempts to take those who are

not slaves, are more responsible than all others for its existence. Understand, that I do not charge this upon southern men as a body. I believe every man here, and ninety-nine-hundredths of your constituents would reprobate and punish it as severely as any one else. Still, there are men who seek to do it; and they have aroused that feeling. Some have doubted whether this is ever attempted; but does not every lawyer know that the existing law grew out of a case of this kind? In 1791, the Governor of Pennsylvania demanded of the Governor of Virginia the surrender of three men indicted in Pennsylvania for kidnapping a negro, and carrying him to Virginia. The demand was refused, and the matter was in controversy between those States and the General Government till it was settled by the passage of the present law, February 12, 1793. (*Peters's Rep.*, *vol.* 16, *p.* 561.) Such cases have often occurred. An attempt of this kind has been made since we have been in session. It is reported in the Baltimore Sun, February 9. I believe it happened just at the time when an honorable member was giving us a severe lecture for the existence of northern prejudice.

"SUSPICION OF KIDNAPPING.—Wm. H. Lambdin, captain and owner of the schooner General Jackson, of Wilmington, Delaware, was brought before the Mayor, at Norfolk, on Wednesday, for having attempted to sell three free negroes, comprising the crew of his vessel. He sailed from Philadelphia last month, on an oyster expedition, as he alleged, and arrived at Norfolk on Tuesday. On his arrival he represented to the poor fellows that the popular prejudice there was very strong and the laws very strict against negroes from the North, and advised them to remain on board. He then came ashore and offered to sell them to several persons at a great sacrifice. Some of the persons applied to went on board the schooner to examine the negroes, who, on discovering the object of their visit, protested loudly against the right of ownership on the part of the captain, declaring that they were 'free gentlemen' from Philadelphia. These, in connection with several other suspicious circumstances, led to the arrest of Captain Lambdin, who was formally committed for further examination."

As a reasoning man, what do you expect will be the result of such attempts? Sir, a man appears in a northern city or town and claims as a slave one who is known to be free. He may, as in this case, be foiled in his design; or he may succeed, and carry his victim to slavery. In either case the tidings will be borne on the wings of the wind; the lightning will tell of it; and "the thunder, that deep and dreadful organ-pipe, will bass the *trespass* to the world." That negro may be a worthless creature, the scourge of the society which he infests, but he is a freeman. You may snatch a Girard or Astor, or a Lawrence from their hoarded wealth, and it will not create more excitement than when you have seized the lowest and meanest hireling in the land. His very misery

> "Will plead like angels trumpet-tongued against
> The deep damnation of his *taking off*."

The next month or the next year, another man appears in pursuit of a *real* fugitive. Who will show the distinction between the second and the first? The people will ask for northern security, a trial by jury. The provision of the Constitution and the laws stand now as they were made by our fathers. We have never asked for their repeal. I trust the bill (Mason's) first introduced and amended in the Senate will not be pressed. Such are present indications. It can do no good; it will be only "as the chaff of the mountain, and as a rolling thing before a whirlwind." If additional security is asked for the execution of that clause, we must insist on security for the execution of one other, that "the citizens of each State shall be entitled to all the privileges and immunities of the several States." (Art. 4, sec. 2.) When you haul up old Ironsides and careen her for corking, you must not apply all the labor to one side of her keel.

I cannot see why there should be such perpetual threats of dissolution over that subject, nor over any subject. I have no power in my commission for any such work. I presume it is so with others. Congress was in session when the Constitution and Union were formed, but the people did not trust Congress with that work, they selected another body of men for the business. If the people wish this Government dissolved, they will elect their own agents to execute their purpose. If we do not redeem our character, I doubt whether we shall have the appointment. Those threats of dissolution have lost their moral power by incessant repetition for thirty years. They have not been reserved for great occasions, but have been brought into service in every little sectional skirmish.

I rejoice that the free States have never made such threats. They have had provocation through the action of the Government against their own wishes. They have had it in the incessant and wasting changes of the tariff laws. They had it in the embargo which proved a paralysis of their whole commercial interests. The wrecks of that disastrous measure are floating over New England, settling down in pauper houses, on their way to pauper graves. The changes against the wishes of the North have sunk well-nigh enough money to buy all the negroes south of the line. We have perpetually yielded, and still hear the incessant cry of dissolution. The time may come when outworn patience will say, We have heard that long enough. Here are two brothers—the Siamese twins—held together by a bond of flesh. No human sagacity can foretell the result of a separation. It may be prosperity, or it may be instant death. The only security is in maintaining the union which Providence has ordained. In order to this, there must be brotherly kindness and charity; but the one is perpetually threatening to sunder the bond if his own behests are not obeyed. The time may come when self-respect will compel the taunted brother to say, I have never threatened you. I wish to live in union and harmony. I have never given you just provocation, and have no design to do it. If you are determined on dissolution, take the responsibility and bide your time. Take the responsibility of the act and the consequences of that act, and do it when you will, to-morrow or to-day, for if this is bravado, I have had enough; if threatening, I have had too much

I have heard with regret, the warlike language introduced into these debates. With entire respect to others, I must say, that whether coming from North or South, this seems out of place, and out of taste, for the free discussions of a free and peaceful Republic.

If the General Government shall make demands upon my people for any constitutional purpose, those drafts will be promptly honored. But as a *State*, Vermont makes no preparation for war. Swords are beaten into ploughshares. Agricultural fairs have taken the place of military-musters. She has disbanded even her militia.

When one of her members was placed on that committee, it raised a broad laugh all over the State—whether at the expense of the member or of our excellent Speaker, I have not been able exactly to determine. During this exciting session leading minds there have been holding a peace convention. This is in strong contrast, and I am not ashamed of it, with another State, (South Carolina,) where it is proposed to raise fifty thousand dollars to purchase arms and ammunition; or still another, (Mississippi,) where two hundred thousand dollars were to be set apart to meet a coming emergency. If the lightning should announce to the Legislature of Vermont that the Union was dissolved, what would they do? Would they resolve themselves into a military community and expend their money for arms and ammunition? No; not one dollar. They would not buy a musket, or flint, or percussion cap. They do not talk or think of fighting; and for the plain reason, that if they must fight, Green Mountain Boys can do that extempore, as they did at Ticonderoga, and Bennington, and Saratoga, and Plattsburg.

In the present Congress Vermont has been told to "keep her petitions at home, as she did her soldiers in the war of 1812." If it had been quite as convenient to use a fact instead of a sneer, it might have been stated that, according to population, Vermont had more men engaged in that war than any other State in the Union. It was in my own district that volunteers were suddenly summoned to the defence of their country. When Provost, with *fourteen thousand* men, came down upon a little band of *fourteen* hundred, it was his supposed design to pass into Vermont. At the close of day, couriers rode out to rouse the people along the western declivity of the mountains, and they shouted as they rode, The enemy are crossing the lake. The echo of that rallying-cry had hardly died on the hills before fathers and sons, risen and robed for war, came out of their dwellings, and through the darkness of night threaded their way to the scene of conflict. I need not recount the hurried flight of that British army before the impetuous, though undisciplined, valor of freemen. From whatever quarter our invaders may come, I trust the history of the past is a mirror of the future.

It has been also asserted in this Congress, and a New England paper has been quoted to prove it, that we did not duly honor the fallen hero of Chepultepec; but what are the facts? When the remains of Ransom were brought home, the adjutant general and one of her ablest clergymen were called to pronounce a sermon and eulogy over his remains. An immense concourse of people laid him in the grave with fitting honors. The Legislature recorded their high sense of his worth; they procured an elegant sword, and in joint Assembly presented it to his young son in the name of his State. Bear in mind, this was done by the *same Legislature* which declared the Mexican war begun and carried on without constitutional authority—a war needless, lawless, and graceless—a scheme "born in fraud and baptized in blood."

I wish I could indulge in the confident hope of others, that, when pending questions are settled, sectional agitation will cease. There are indications of a different intention, it may be that of a few. Cuban books so liberally laid upon our tables, the printing of Mexican maps, the aspirations—like those just uttered—for an ocean-bound republic, may be esteemed light things; but lightest things floating on the wind or wave are the surest index of the course of the current; and those things are signs to me significant of an ulterior design. I might have cherished a hope of quiet if the new State had been promptly admitted, as she ought to have been; but where shall I now found a hope, that when Utah and New Mexico shall present themselves with constitutions of their own creation, they shall not meet the same measure of actual and threatened resistance that is now applied to California?

A strange demand is made that the North should restrain the utterance of her peculiar sentiments. How does any propose that this shall be done? It could not be done under the muzzled press and the prying espionage, and the gleaming bayonets of an European despotism. It could not be done here in anything else. With the sudden transition of men and transmission of intelligence, try to confine local doctrines to a given locality; ordain that the principles of the Novum Organum or the Principia shall not pass or repass Mason and Dixon's line; that a knowledge of geology or theology, of physics or metaphysics shall not leap from bank to bank of the Ohio; that legal lore or legal quibbles shall not swim the Mississippi; that sectional notions of medical science or medical quackery shall instinctively stick on 36° 30',—could you execute such an ordinance? How, then, do you expect to hem in by State lines the heaving waves of popular opinion on human rights and human freedom?

I wish we might duly appreciate the position in which we are placed. We are standing between generations of glory passed and ages of glory or shame yet to come. From far distant points of a great Republic we have met to consult for her welfare; for the first time the voices of the Atlantic and Pacific have met and mingled in one national counsel. Thus placed, we should trample in the dust, as beneath our aim, all efforts for mere party or sectional triumph, and legislate for the extended and enduring interests of a great and free people.

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SPEECH

OF

HON. R. K. MEADE, OF VIRGINIA.

ON THE

ADMISSION OF CALIFORNIA AS A STATE.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, JUNE 6, 1850.

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1850.

THE CALIFORNIA QUESTION.

In Committee of the Whole on the state of the Union, on the President's Message relating to California.

Mr. MEADE said:

Members who rise to make a *speech* on this floor, invariably complain of the hour rule. I have but one remark to make about it. The foundation on which our institutions rest, is truth and knowledge. These are elicited by argument and discussion. We have denied ourselves these means, on all great questions; hence the eyes of the people are turned to another branch of the Federal Legislature, who permits itself to use the weapons by which error is to be conquered. We hide our lights under a bushel, our dignity and importance are diminishing every day, and the people turn from their immediate Representatives to seek light elsewhere.

I might not have addressed this committee at all, Mr. Chairman, but for the notice which has been so frequently taken of a speech which I delivered in August last to my constituents, copies of which I sent to the members of this House. My object in sending that speech I wish to be known. The Representatives of the South—myself particularly—had been accused of misrepresenting their constituents' feelings and sentiments on the various questions involving the rights of the South; and I wished to show to gentlemen here, especially from the North, what were the feelings of my own people. The State egotism displayed in that speech, has been the subject of remark, and of playful sarcasm, by gentlemen from the North, and I must make my acknowledgments to the gentleman from Indiana [Mr. FITCH] for a little of it. Had that speech been made on this floor, much which I said would have been out of place, and betrayed a want of good taste. But gentlemen must remember, I was speaking to and among my own people. Nothing is more common here than national egotism; our glorious Confederacy, and unmatched greatness and virtues, are the theme of every speaker. It would be exceedingly ill-bred, and even offensive, to speak thus in a foreign country. We in Virginia, and among ourselves, sometimes push that national propensity to the extent of glorifying ourselves.

The gentleman from Indiana did me the justice to say that the facts upon which I founded in part my conclusions were true, but did not venture to show that those conclusions were not legitimate. Neither did the gentleman from Massachusetts [Mr. ASHMUN,] who admitted and commented upon the same facts. It would be fair for me to infer they admitted my conclusions, did I not perceive it was the object of the one to make party capital of it at home, and of the other to indulge his vein of satire, and perhaps to add a little food to the anti-slavery feeling of his constituents. I should have been pleased had those gentlemen turned their attention to the object I had in adducing the facts on which they commented, and the truth of which they admitted. Slavery had been denounced by the North as a moral, political, and social evil; to disprove it I instituted a comparison between the northern and southern population, founded on facts; and when I said that the destinies of this country had for fifty years been controlled by southern men, I saw nothing at which the North could justly take exception, for it occurred by reason of *their* votes; for notwithstanding the malign influences of slavery we had the right sort of men; the North perceived it and chose them to preside over the nation. Amidst the calumnies that are daily levelled at us, we have a right to point to these facts, and boast of our exemption from those political and moral deformities which beset northern society. We have a right, too, to glory in the fact, that the two brightest and purest characters of the past and the present age, were both heritors of "the institution," and died patriarchs amidst a hundred slaves. Among the other charges is that also of aristocratic arrogance; and this, too, is sometimes preferred by Democrats, forgetful of the fact that we not only furnished them the great Apostle of Democracy, but have in fact ever since borne its cross high above the heads of its enemies—a cross that would have long since been trailing in the dust had it trusted itself to northern support. Sir, the South is *the Democratic portion* of the Union; and in truth there is more equality among the whites of the South than exists anywhere else. We are all elevated (not dragged down) upon the same platform; and let me tell you, sir, negro slavery is the cause of it. If it has made aristocrats of any of us, it has made us all aristocrats, so we may be called a democratic aristocracy.

We are accused, too—especially we Virginians—of engrossing all the offices in the country. Virginians are so fond of hailing from the place of their nativity, that I was at first induced to doubt that charge, and to believe that Virginia was improp-

erly credited with many offices that had in fact been conferred upon citizens of other States, growing out of the fact that the "Blue Book" only designated the birth-place of each office-holder. While I was in this state of uncertainty, I met with a very talented and distinguished preacher of the Episcopal Church, who was also an agent of the Colonization Society. He told me he thought there might be some foundation for the charge; for in Liberia, there was a general complaint that the "*Virginny niggers*" held all the offices. This information, taken in connection with another fact frequently mentioned here, that there were more natives of Virginia on this floor than of any other State—in connection, too, with yet another fact, that the Chief Magistrate of the nation was also a Virginian by birth—and yet another, that the great captain of the age, who commands our armies, is a Virginian,—taking all these things together, I determined to dismiss the subject from my mind, and abandon the old Commonwealth, in these days of her degeneracy, to her misfortunes. Sir, there must be something in her climate, or her *peculiar institutions*, that infects her children of both races. But amidst all these causes of complaint, I scarcely meet with an emigrant from Virginia that does not boast of his birth-place. The gentleman from Ohio even, [Mr. CAMPBELL,] though remotely descended, took care to inform us, while abusing our institutions, that his genealogical tree first struck its roots in the Old Dominion.

Mr. Chairman, a few weeks back I picked up a speech made by the gentleman from Pennsylvania, [Mr. STEVENS,] containing a paragraph beginning with these words: "Let us pause a moment over this humiliating confession," and ending with these: "This is his picture, not mine." Now, sir, to say nothing of the utter disregard of truth betrayed in the last words, and speaking only in reference to the indelicate scurrility of the paragraph, which prevents my quoting it at length, permit me to say, in justice to the State of Pennsylvania, that if her canine inhabitants had a vocabulary among them, I believe there is not a kennel outside of the Lancaster district that would not expel a member who would disgrace the brotherhood by such low vulgarity.

But, sir, I turn with loathing and disgust from this subject, and will give a few moments to the comments made by the gentleman from North Carolina, [Mr. STANLY,] on this speech of mine. There seems to be but one sentiment in that speech which was lucky enough to draw forth the approbation of the honorable gentleman, and that one every Abolitionist in the House would assent to. The conjunction of these two signs in the political zodiac, inclines me now to doubt the correctness of the sentiment.

A great deal which fell from the lips of the honorable gentleman I will not attempt to reply to. But there was scarcely a paragraph quoted by the gentleman that he fairly delt with; nothingwhich I said reflected on the noble Castilian race. I spoke of the Mexican race. I said nothing from which he could infer that a man was elevated in proportion to the number of his slaves; nothing from which the gentleman could infer that Virginia slave-owners raised negroes to sell. I stated nothing but facts—facts as applicable to his State as to mine. He has volunteered an inference which involves his own constituents as deeply as my own, and from which I must vindicate them. The fact that the price of slaves in Virginia and North Carolina materially depends on the price of cotton and the southern demand, cannot be denied. Stop that demand, they would suddenly fall, and continue to fall as their numbers increase. Their profits in Virginia and North Carolina do not justify and could not sustain their present prices. The fact, therefore, is undeniable, that their "value is chiefly dependent upon southern demand," and therefore, (the gentleman from North Carolina would say,) the owners of slaves thus situated raise them to sell, and he "would be ashamed to own such a constituent." Now if the gentleman's inference is the true one, then it is time for his blushes to appear; but I deny emphatically the legitimacy or truth of his conclusions. They are not true of my constituents, nor do I believe them true in respect to his. Every southern man well knows that the last piece of property which a southerner will part from is the slave which he raised, or which descended to him from his father. When he is forced to sell his property, every other kind goes first, while the sharer of his childhood's sports, or the being whom he has raised from infancy, is clung to with the regard almost of a brother or a parent. Hence it is, that notwithstanding the allurements of a price double his real worth, which the southern planter offers, a slave is scarcely ever sold in Virginia, except from necessity or misconduct. When that is the case, the southern planters, through their agents, who alone can afford the price, are generally the only bidders, and the slave is taken to the South; and thus the increase of the population in Virginia and North Carolina is prevented. Sometimes our own people buy them at sales, and privately of one another, moved thereto by various motives, but nineteen out of twenty who are sold are taken to the South.

These are facts—facts that I could not conceal, nor would I if I could; for when the discussion and agitation of this question of slavery have so far impressed me as to incline me to deny a fact which exists, or even to endeavor to conceal it, I shall do one of two things: persuade my people to abolish the institution, or quit the home of my fathers and seek a more congenial latitude. But, Mr. Chairman, does not the gentleman from North Carolina overerate his sensibilities, when he said he would be ashamed of a constituent who would breed a slave to sell? He says he has none such. I presume the gentleman has constituents who buy to sell; can he draw a sensible distinction in their favor? Now, sir, Virginia and North Carolina have a number of people who are engaged in this business; and though their calling is condemned by many, yet they are a very useful class of people to both States, in keeping within bounds the black population. They are just the same class of citizens that were regarded with some favor once at the North, when it was preparing for the attacks they are now making on the South. This speech scarcely did justice to the gentleman's constituents, when he admitted there was *any* "laboring population so well taken care of as our slaves are." The poor-house population of the North proves a previous destitution to which our slaves are strangers; and I will venture to assert of the gentleman's district, as I can confidently of my own, (where there are now fifty thousand

slaves,) that there is not one who is without the necessaries and even comforts of life.

Mr. Chairman, I cannot bestow much more of my time upon the speech of the gentleman from North Carolina. Its object seemed to be to defend the North, and to show we are in no danger from its hostility. He says, "no man in his senses believes Congress will ever be guilty of the outrage or the folly of abolishing slavery in this District, excepting of course those fanatics who think the Constitution is an agreement with hell."

Not much more than a year before these remarks were made, there had been a vote taken here on this very question, in its most offensive shape, and seventy-nine out of one hundred and ten northern Representatives present, on a test vote, voted in favor of the measure, and but thirty-one against it. Not one-third of the northern vote present could be found who would vote against a bill to submit to the slaves of the District the question of their own emancipation; and the accidental absence of thirty members from the South would insure the passage of any measure which an Abolitionist would dare to bring forward. If there be disunionists in the country they have never had more cause to rejoice than now. The inevitable tendency of events is to separation or southern subjection. If there be any real friends to union, I mean union on fair and equal terms, now is the time for them to step forward, or it will soon be too late; there is a spirit of inquiry already excited by these discussions, which will progress until the value of this Union to its last copper will be ascertained. It is a species of childhood or dotage for men in this age of investigation and inquiry, to speak of anything's being too sacred to discuss. It is the philosophy of the age to inquire into the value of everything. And if this Union is of such inestimable value, let us know why and wherefore, that we may be prepared with the sacrifice necessary to defend it. Gentlemen from the North have set us the example in this particular. They have calculated the value of the Union, and also the value of the Wilmot proviso, and they have pronounced the latter worth the most. Even the conservatives from the North, for the most part, have pronounced in favor of the proviso, or something equivalent; they will take nothing less whatever may be the hazard. Now, sir, shall we hold our rights, our equality, our honor, at a lower price, than they do the Wilmot proviso? How stands the case? The North has only to abstain from the commission of any act to preserve the harmony of this Union. On doing this she suffers neither in character nor purse, and the Constitution is not even threatened. The South, on the contrary, must submit to a violation of the Constitution, perpetual inferiority, self-abasement, and wear the badge of a cowardly bragadocia the rest of her days.

While we are abused by the North for not giving freedom to our slaves, we witness every day conduct on their part which is a complete vindication of our policy. In some of the States they require of them bond and security for good behavior. They cannot vote or serve on a jury. The common right of self-government is denied them, and in some places the manumitted slaves of other States are driven from among them by force of arms. Now, sir, if Ohio was unwilling to receive in her territory a few hundred slaves from Virginia, emancipated by the will of one whose reputation and character as an orator and statesman had become national property, is it not an unequivocal declaration on her part, that Virginia is right in keeping her slaves in bondage? And if she is unwilling to add a few hundred to her free black population, can she consistently blame Virginia for objecting to half a million?

If it be a principle of philanthropy which actuates our northern brethren, I would address this question to it. Suppose these identical three million of blacks now in America were at this time in Africa, and had been born there of the same progenitors, would their moral, religious, or physical condition be as good as it now is? Twenty-five years from now there will be six millions of slaves. Is it material to humanity whether they be diffused over the present fifteen slave States *and California*, or be confined to the fifteen States? Humanity would unquestionably decide in favor of diffusion. But these philanthropists would say, slavery is a curse, and we wish to save California from it. Save the land of California? Is the land a sensitive being? They might say no, but we wish to save the future inhabitants of California from the evils of that institution. If humanity is the governing consideration, then they must state an account between the people of the fourteen slav-States and the people of California; and if the evil saved to them is precisely the increase of that evil inflicted by this means on the original fifteen, then what does humanity gain?

Now, in order to justify the course pursued by the North, and relieve them of the suspicion of merely seeking political power, they must show that, by confining the area of slavery, the number of slaves will be diminished, or at least their increase retarded.

I have heard some of my southern friends contend, that extending the bounds will not add to the number of slaves. In this I differ with them; and the law which governs the case, is well understood by our northern brethren, and that law, hard as it is, they are looking to, in the course of time, for the ultimate accomplishment of their purposes. It is the law which prevents procretion in all densely-inhabited countries—that of hard usage, stint, and starvation. To proclaim this to the world, would disarm fanaticism, while a shriek of horror would rise from the lips of outraged humanity. Hence, they are silent; the masses are deceived, and the finest chords of the human heart are made to discourse music at the touch of hypocrisy. This is the whole game which they confidently believe will end, at no distant day, either in equality and amalgamation, or a war of extermination between the races. The more kind-hearted, in view of the power which California, Oregon, New Mexico, and a third of Texas will hereafter give them, and the convenient doctrine of obligations superior to the Constitution, lately broached in the Senate, may perhaps contemplate a more speedy and less bloody termination to the conflict.

There are men, sir, now listening to my voice, who, while singing peans to the Union, are coolly calculating these chances; and there are some among us so fascinated with the song, like charmed birds, they are utterly unconscious of the deadly gaze of the serpent that is drawing them every day closer and closer to his folds.

Mr. Chairman, I see the danger before me. My race and my country are threatened; we are even now engaged in the death-struggle. We must come to terms with the enemy, or we must either fall or triumph in the conflict. The terms must be such as to give us security. The war against our institutions has been declared—we must protect them; a promise is no protection while the power to destroy remains. The terms of peace must put us beyond the reach of the enemy, or the peace is deceptive. We must retain the power of self-protection, or we must finally yield. What will give us this power? Space—empire. In other words, we must secure a certain share of this continent that will inspire respect and fear in case of future conflicts. We must have enough to make us a powerful nation if we should be driven to a separate existence. This war against slavery did not begin to-day, nor will it end to-morrow; nor will it ever end, until African slavery is put beyond the reach of its enemies. I say, then, to the South, stretch your arm to the Pacific; let no enemy flank you, or take post in your rear. You can save yourself if you will. Besides your millions of people, you have a means of defence in your productions more than equal to a standing army of one hundred thousand men. Half the civilized world depends upon you, whose supplies you can stop without even feeling the shock that would prostrate millions. With such advantages, what recreancy, what imbecility, what cowardice will be yours, should you fail to secure to yourselves and your children a position which will hereafter render you impregnable. To effect this you have only to demand half your rights—half justice. To the Pacific, then, I say—to the Pacific. Your future security depends entirely upon your own strength; secure to yourselves while you can, an empire. When California and New Mexico and Oregon are settled up with an anti-slavery population, the pressure will become too powerful for resistance. Keep this population in your front, and look to the southern portion of this continent as your exclusive domain. Our race is destined to spread itself over the whole of it, and it rests with you to say whether the future rulers of Mexico shall be friends or foes to our institutions.

This controversy between the North and South is not without its good. It is an admirable feeler by which we can judge of the future designs of our northern brethren. If they prefer this proviso to the Union—if their hostility to our institutions is thus inveterate, then we shall be compelled to break at once a bond, which at no distant day must either fly asunder, or become manacles to our hands, and fetters to our feet.

I have heard some say, that there was no blessing greater than union—no evil so great as disunion. Sir, the sentiment is not only cowardly, but it is high treason against liberty and the rights of man. Union without equality, will enslave us. The opinions of Mr. Jefferson are often quoted against the South. Sir, I wish to derive no advantages from concealing or perverting a fact. When the Federal Constitution was formed, I believe that most of the statesmen of the South looked to the ultimate abolition of slavery, and to that end they strove against that clause which permitted the importation of slaves, until the year 1808. But the North insisted on the provision with a view to commercial profit. I have heard this gravely claimed as a concession to the South. In 1788 our slave population did not much exceed a half million; emancipation could then have been effected, and was no doubt contemplated by southern statesmen. This provision, however insisted on by the North, postponed the time when slaves should not be imported from Africa to the year 1808, at which time they had, from propagation and importations, swelled up to twelve hundred thousand. Virginia had then become so encumbered with the population, she had no alternative but to continue them in slavery or make of them a decidedly more degraded population—that is, a lazy, thievish, free negro population, such as the North now has. The whole of the abuse, therefore, which is lavished upon their southern brethren recoils upon the memory of the speaker's own ancestors; and I have often asked myself, where is that pride of ancestry which is usually the most cherished sentiment of an American bosom.

There is but one way of explaining this apparent insensibility to national and ancestral pride. We are told that a half million of emigrants are annually added at the North to the number of American citizens. Now, I am somewhat curious to know how many of those eloquent friends of humanity and denouncers of their southern brethren are really Americans or can boast even of an American father? The answer to this question may go far to explain the *warm brotherly* feeling and sympathies so often and so *courteously* manifested towards us by our dearly beloved brethren from the land of snows.

These men affect great love for the Union, though it ties them to a *national disgrace*. Do they suppose they cultivate a corresponding attachment at the South, by so often bestowing upon us the epithets of slave-drivers, bloody tyrants, and dealers in human flesh? Why, sir, there is not a man from the South who, if he be a man, does not at times feel his attachment to this Union giving away under a disgust of their associations here so redolent of abuse, vulgarity, and malignity. Why, sir, if all our constituents could come here and sit in these halls for three weeks, not long enough to become hardened to abuse as we have, and under the fresh influence of their feelings, were called upon to vote between union and disunion, you would find one-third of them voting for the latter, another third sitting in silent indifference, while the rest, under the influence of the parting advice of the great slave-breeding, slave-driving tyrant, George Washington, would say, let us try the thing a little longer—we may yet restore the old fraternal love which united into one the hearts of our forefathers.

Mr. Chairman, southern fanaticism is sometimes spoken of. Did you ever know fanaticism to be a passive, defensive feeling? That is not its nature. The North goad us with abuse, throw fire-brands in our dwellings, threaten to yoke the whites with the blacks of the South, and, because we turn upon them, they call us fanatics. Slavery would never be mentioned here but for them. Fanaticism never asks to be let alone, as we ask them. It is an active, aggressive principle, ever at work, and demanding something to be done.

The majority principle is often appealed to here, and we are represented as denying the rights of a majority. Why, sir, is it possible that the principles of our confederation, at this late day, are so

little understood? Will gentlemen contend that the people of New York, because they are two and a half millions, can come to Virginia and alter her constitution, or deprive her of any of her rights, because they are but a million and a half, upon the principle of a majority? Can all the States combined do it as a matter of right? Gentlemen will scarcely say aye to this. Well, sir, suppose Virginia and New York had formed a union with limited powers and for specified objects, or suppose France and Spain were to form a similar union, would it be contended that because New York in the one case, or France in the other, had a majority, they could exercise any power they please? The very organization of this House and of the other condemns the doctrine. How can gentlemen contend that the majority principle must govern here, when Delaware can neutralize the vote of New York? Were we one community, living under one government, instead of being a confederation of independent States for specified objects, then the majority principle would be the correct one. But each State became a member of this Union for its own good. If the majority use it as the means of injuring instead of protecting, the obligation of the injured ceases and she may resume her original independent position. Now for the application of the principle: Mexico committed an outrage, an injury, upon all the States of the Union, and the Union demanded and obtained indemnity for the injury; the indemnity inures to all, for all were injured. What was that indemnity? Territory which thus became a part and parcel of the United States, that is, a part of each State in the Union. Can this be denied? Then California is a part of Virginia; can Congress abolish slavery in a part of Virginia? But, you will reply, California is a part of New York, and she has abolished slavery. Now, here is a case where two States have equal rights, and they come in conflict; both States are equal, and neither will yield. There is but one of three modes of settlement—a fight, or backing out, or a division. Now, will any man in his senses say, that New York would have a right to dictate, because she had more people? Why, sir, the same principle would have given to England the whole of Oregon. Now, sir, Oregon presents a case in point. Had we, supposing we were all slave States, no right to take slaves to Oregon during the joint occupancy? The answer is obvious.

While on this subject I will give you my opinion in regard to the legislative power of Congress over the territories. Sir, Congress alone has any power. The people of the territories have none, while in a state of dependence. You might as well contend, that a boy (while being protected and supported by his father) was a man. Of course, the feelings and wishes of both ought to be respected, and if they are not, they may rebel and set up for themselves, if they be strong enough; but while they live upon the bounty, and under the protection of the parent, they must obey.

But what is the extent of that authority? Ascertain the object for which the Union was formed, and limit its authority by it. This furnishes the key to the whole question. All the powers of Congress on this subject are implied. The object of the Union was not to benefit mankind generally. No, sir; it was more specific. It was to promote the good of each individual member,—not of one, or a majority, but of each. And Congress can by implication exercise no power which will affect injuriously a single member of the Confederacy. And Congress can with as much propriety say to Virginia, you shall emancipate your slaves because they are an evil, as to say to her, you shall not take them to your part of California because they are an evil. As I said before, the mission of Congress is specific, not general. And when the interests of the States come in conflict, it is the duty of Congress to take part with neither, but do justice to all. In this case, as the subject cannot be enjoyed in common, and neither has a right to all, it must be equitably divided among them; otherwise any citizen of the United States may settle in the territory with any species of property which any State recognizes as such. It appears to me that those peculiar guardians of human rights, whose bosoms are so distended with philanthropy, could find an ample field for its exercise in their own neighborhoods. They are much distressed at the ignorance of our people, and profess unutterable sympathy at their uninstructed minds. The revelations of the last census are themes of never-ending speculations. They hold up their hands in holy horror at the thought that in Virginia one in every fourteen adults cannot read or write. I am not afraid to compare situations with New York and Massachusetts, and the world shall decide between them. The statistics of those States show, in the first place, that every seventeenth or twentieth person is a pauper; in the second place, that one in fourteen of every inhabitant in Boston and New York is under arrest for crime during the year. So that for every citizen of Virginia who is ignorant of books, we will show you two in New York and Boston, one of whom is a pauper, and the other either a convict or upon his trial.

Mr. Chairman: When I took my seat in this Congress, it was with a consciousness that at no period of our history, since the adoption of the Constitution, did a weightier responsibility rest upon the members of this body—at no period did more important and momentous consequences depend upon its action. More than sixty years ago, moved by a common interest and a sense of weakness, the people of thirteen separate and independent sovereignties, whose novel principles of government were at war with those of every other nation, and too feeble to resist separately the aggressions which they might anticipate, determined to unite their energies for mutual defence, and established a Government, clothed with such powers only as they supposed were necessary to secure this the grand object. Those who established this Government, sensible of the variety—I may say contrariety—of interest which must grow out of a difference in soil, climate, and pursuits, endeavored to throw around each community such protection and safeguards as would suffice to secure to each its own individuality, and prevent any action which did not tend to the good of all To this end was the limitation of its powers. To this end was the equality of representation, as States, in one branch of the Legislature; and to the same end was a greater and disproportionate weight given to the smaller communities, and to the slaveholding States, in the choice of a Chief Magistrate; and for the same purpose, a concurrent vote of two-thirds of these communities was required to make

any addition to the powers already granted. The good of each, and the common good of all, was the sole object; and this constituted the fundamental condition—the basis of this confederacy of States. This condition is therefore violated by any action by which either community is injured, or by which a greater benefit is secured to one or more, over the rest. It is idle to speak of the constitutional right of the Government to do this or that thing. It is vain to speak of the legitimate signification of words. If an injury be done to any member of the Union by the action of the common Government—if more is intentionally given to one portion than to another, or equal protection withheld, the main object of the compact is defeated as to the injured, and the condition upon which she became a party, and upon which it was to remain a party, has been broken; and thus ejected, as it were, from the common estate, its future safety and security becomes its individual and peculiar province to look to.

No State in this Union would have become a party to it, with the understanding that its future fate was to be under the control of the rest. The object of each was to benefit itself. That failing, the obligations under it are at an end.

No one will say that this Confederacy would ever have existed, if the present state of things had been foreseen. What state of things? The property of half this Union is secretly invaded. It is carried into another half, and there the thieves are openly protected by the panoply, not merely of public sentiment, but of law. The injured, in pursuit of his rights, is arrested, incarcerated, and sometimes murdered with impunity; ingenious devices are resorted to by sworn officers to evade the plain provisions of the Constitution; and if sometimes they are fortunate enough to obtain a judicial recognition of their rights, the redress is but nominal, for an appeal is taken to the community at large, which often reverses the judgment, and strips the owner of his property. It is no answer to say that this is unauthorized by law. It is, in some cases, encouraged by the law. But when a community cannot restrain wrong, it is itself responsible, and is identified with the general sentiment. If the people of New York were to make repeated inroads upon Canada—if they were in the habit weekly of sacking the cities of Quebec and Montreal, the demand of Great Britain would not be satisfied by telling her these forays were contrary to law. She would say to New York, "If you are unable to restrain your people, I must:" and reprisals would follow. The burning of the Caroline was an application of this principle, perhaps too promptly made. When a majority of a community becomes so imbued with violence and wrong as to prevent the passage of requisite laws, or to defy them when passed—as to shield the perpetrators of wrong—the community itself then becomes the aggressor, and responsible for the injury. But, sir, the point of the argument is this: Should a peaceful community—*can* a peaceful community long continue in amity and union with one that is lawless? Sir, it is no inducement that there are some honest men among them: unless they are strong enough to control the wicked, they must all rank alike.

I could here dwell on the moral depravity of that people, who would thus set aside the most sacred obligations, and even boast of acts which involve them in the two-fold guilt of perjury and plunder.

But, sir, this is not the outrage, as great as it is, which requires the speediest remedy, and of which we complain as being the most dangerous to our future peace. Our ears have been filled for the last fifteen years with an abuse and scurrility, of which it is difficult to conceive that the most vulgar breeding could teach the tongue utterance. And it strikes a southern mind with surprise, that anywhere in this great country of ours, a person in a responsible station could be found vulgar enough to speak in terms so essentially low and ill-bred as those we sometimes hear on this floor.

But, sir, this is an offence against taste and good breeding, and if it was only productive of the mirth it excites in congenial souls, and the disgust which it never fails to create in a gentleman's bosom, it might be past by as a crime that brings with it its own punishment. But, sir, the object of all this is to sow discontent in the hearts of a quiet and contented race, to render the master's life a torture, and to stir up insurrections and assassinations.

He is told that by nature the negro is equal to the white man, and entitled to all his rights and privileges, while, at the same time, the laws made by these very men deny him all the means by which these rights are to be enjoyed. Self-government is essential to freedom, but suffrage is denied him, and he is bound to submit to laws which others prescribe. The pursuit of happiness is another unalienable right. The highest enjoyment in life, next to an unstained conscience, is a free access to the honors of the country and to the best and most refined societies. To these the negro is admitted only as a menial. Life is permitted to him, but it is poisoned at every turn by marks of degradation, legal and social. The Temple of Liberty is shown him, its gates are opened, but he cannot pass its threshold. He sees its internal order and beauty, and his appreciation of them is exaggerated by a fancy stimulated by denial. Now indeed he is conscious he is a slave, and he sighs and weeps.

The happiest and most cheerful people on earth, are the negroes of the South. They understand the decree pronounced against the descendants of Ham, and they are content to abide it. They believe they are born to serve the white man, and they do it cheerfully: to be called a faithful servant, is a highly-prized reward, and a good and just master is a negro's pride. The joys of the present hour are his, the cares of the future are his master's. Would you impose upon him the one and deprive him of the other? then liberate him. To this end all your efforts tend. With the prevailing prejudices against the race, your most successful efforts could have but one termination—to wake him up from a blissful ignorance to a painful consciousness of his slavery. Into this population the agitators of the North are seeking to infuse the spirit of insurrection and massacre.

When Mr. Jefferson said that "mankind were not born with saddles on their backs, with a few booted and spurred, to ride them legitimately by the grace of God," he spoke more like a philanthropist than a philosopher. Unfortunately, even with us, this is only a political truth; socially, it is not true. In all countries where the laws of property prevail, the few who are rich make slaves of the poor in a certain sense—through their

necessities they make them do the most menial services; and they are deprived not alone of the elegances and luxuries of life, but often of its comforts, and a sense of inferiority weighs more heavily upon them than the negro's slavery. The slave who cleans my boots and brushes my coat, does it with alacrity, and feels honored in the office; the white man had rather wear them than clean them; he sighs at his inferior condition and longs to exchange places with his employer. The African slave feels a natural inferiority, and is contented to abide the decree of nature. Not so the white man—he feels his equality, and is ever disposed to assert it. His condition he attributes to the wrongs of society, and longs to avenge them. Give him the power and he will make the effort. Whenever the density of nummakes their comforts less and their necessities harder, then commences that war between capital and labor, whose low mutterings are even now audible in some of the densely-settled States. It has been plainly threatened even in this House. Take care, gentlemen, that we (whose property you are now warring upon) will not be soon implored to save you from the consequences of your own rashness. You are comparatively safe, while population is sparse and a living easily acquired—while the laborer of to-day can hope to be the capitalist of to-morrow; with but one in a hundred is this hope, even now, ever realized. Whenever, from increase of numbers, labor can only supply the current necessities of the hour, then your day of trouble will have come. Capital and labor with us are united; with you it is separate, with antagonistical feelings. The black horse that we are riding is a docile and willing animal—the white one that you have saddled is restive and impatient. Ours will keep us above the mud, yours may drag you into it—beware! This is the philosophy of the remark I made on another occasion, when I said "negro slavery elevates the white man." Men of sense will understand the reasoning. And here let me not be misunderstood. Let it not be supposed that labor at the South is performed altogether by the slave. There are pursuits requiring bodily exertion which the white man freely and proudly performs. Agricultural labors and the mechanical arts are actively pursued by a majority of our people, and their products are equal, if not superior to the labor of any other people; but I confess, there are certain menial employments which the white man shrinks from, and for which the negro slave is fitted to perform, and which must be performed by some one.

We are told by the kindly-disposed at the North, that even there, these men, these agitators, are a despised race, and that they are few and insignificant in numbers. Sir, facts that are transpiring every day, convince me of the contrary. These men habitually use a language on this floor towards both Whigs and Democrats from the North, which evince a consciousness they are sustained by the masses; and though they often use the language of insolent defiance towards those who are disposed to bring this quarrel between North and South to an amicable settlement, I do not hear from the latter the withering rebuke such language deserves. And, sir, I find, moreover, the body of the northern vote going with them on all questions that are dividing the North from the South.

If the Abolitionists speak truly when they say they will not interfere with slavery in the States, I would ask wherein do they differ with the other great parties except in organization? All are for the Wilmot proviso—all for abolition in the District—all for agitation here. When I say all, I mean the great body of the representation. There are honorable exceptions here, whose names will go to posterity, as pure patriots and wise statesmen. From the agitation of this question here the South must be protected. No settlement of this question can protect the South, which leaves open this avenue of attack. Our State laws protect us from incendiaries, and so must the laws of Congress. There was an effort made once to do so, but it failed. Since that time the progress of abolition has been so certain and successful that a newspaper has been established here by the Abolitionists—pouring poison daily into the negro's heart, and stirring him up to deeds of violence. The spirit of this people has been sadly changed, and the Abolitionist boasts of it. A few years ago this editor would not have been seen here twenty-four hours after his first number appeared. No one can doubt that the purpose of this agitation is to stir up the slave and incite him to efforts for his liberation.

I have expressed the opinion, formed on close observation, that no Abolitionist would venture to propose a measure here that would not now receive three-fourths of the northern vote; and the absence of only one-half or a third of the southern vote would insure the passage of the most obnoxious measure that fanaticism has ever ventured to propose; and the most ominous feature in the matter is, that many gentlemen reluctantly give these votes, which shows, not individual opinion from which we might be protected, but the opinion of the constituency from which there is no protection. Let us go back only two years, and analyze the votes that have been taken on the slavery question in its various phases.

At the 1st session of the 30th Congress:

Mr. TUCK presented a petition to appropriate the proceeds of the public lands to extinguish slavery in the United States.

Mr. GAYLE moved to lay it on the table—yeas 86, nays 70. There were twenty-six northern yeas, or about one-fourth.—(See *Congressional Globe, page* 82.)

At the same session,

Mr. PUTNAM offered a resolution to interdict slavery from all territory to be acquired from Mexico.

Mr. BRODHEAD moved to lay on the table—yeas 105, nays 92. There were twenty-eight yeas from the North, or less than a fourth.—(See *Congressional Globe, p.* 391.)

At the same session,

Mr. GIDDINGS offered a resolution to inquire into the facts connected with the seizure of a slave by his owner, and the propriety of repealing all laws sustaining the slave trade in the District of Columbia.

Mr. GAYLE moved to lay this resolution on the table—yeas 85, nays 86—seventeen yeas from the North, not a sixth; it was subsequently laid on the table by a small majority.—(See *Congressional Globe, p.* 179.)

At the second session same Congress,

Mr. ROOT offered a resolution to instruct the

Committee on Territories to report a bill, with as little delay as practicable, to prohibit slavery in New Mexico and California.

Mr. HALL moved to lay the resolution on the table—yeas 80, nays 107. There were but twelve northern yeas, or about one-tenth. The resolution was afterwards adopted by the same vote, and a motion by Mr. ROBINSON to reconsider was laid on the table, by a vote of 105 to 83—only twelve northern votes, or one-tenth voting in the negative.—(See *Congressional Globe, p.* 55.)

At the same session an unprecedented outrage was attempted.

Mr. GIDDINGS introduced a bill on notice to submit the question of abolishing slavery in the District of Columbia to all the inhabitants over twenty-one years old, including slaves and free negroes.

This resolution probed the abolition sentiment deeper than it ever had been. The bill was on its third reading, and on the motion of Mr. THOMPSON, of Mississippi, to lay the bill on the table, but thirty-one northern Representatives, out of one hundred and ten, or less than one-third, voted for the motion.—(See *Congressional Globe, pp.* 55, 56.)

At the same session,

Mr. GOTT moved to instruct the Committee on the District of Columbia to report a bill to abolish the slave trade, prefacing it with an offensive and insulting preamble.

Mr. HARALSON moved to lay this resolution on the table, which was refused by a vote of 81 yeas to 85 nays—fifteen northern members, or about one-seventh, voting for it.

On the demand for the previous question the vote stood, 113 yeas to 63 nays.

Some of the northern members complained of the South for voting for the previous question. On examination, however, it appears that but twenty-eight southerners voted for it and eighty-five northerners; against it was forty southern and but twenty-three northern votes.

On the passage of the resolution the vote stood, yeas 98, nays 88—only fifteen northern members, or less than a seventh, voting no. (*Ibid.*, 83, 84.)

On the motion of Mr. ROBINSON to reconsider, the vote stood, yeas 119, nays 81; about one-third of the northern members sustaining the motion.

Mr. BOTTS then moved to lay the resolution on the table. This motion was negatived, only 15 northern Representatives voting aye.—*Congressional Globe, page* 216.

At the same session, I introduced a resolution to instruct the Committee on the Judiciary to bring in a bill to enable the South to recover fugitive slaves. On a motion to suspend the rules, only eight members from the North voted with the South, and the motion was lost by a large majority.—*Congressional Globe, page* 188.

During the present Congress, the gentleman from Ohio introduced a resolution to instruct the Committee on Territories to bring in a bill for the government of the territories, with the Wilmot proviso attached. Only thirty-two northern members voted to lay this resolution on the table, being less than a fourth of the whole number. Now, sir, in the face of all these votes, embracing the most ultra anti-slavery propositions, commanding more than three-fourths of the northern vote, some gentlemen profess to believe there is no danger to the South or to the Union. Sir, I repeat, if there be any disunionists here, they have cause to rejoice in the prospect before them. There seems to be but one alternative, and that is, the submission of the South.

These votes clearly show the real strength of the Abolitionists. Now, sir, view all these votes in connection with the scenes of last session, when a majority of this House, at the imminent hazard of leaving the Government without means, and of the Union itself, determined to ingraft the proviso on the appropriation bill. View them in connection with the torrents of abuse that is daily poured into southern ears, showing a disposition to drive us out of the Union, or degrade us, and then say, Mr. Chairman, what else but a devoted attachment to this Union could have kept the South a party to it? Sir, speak not to the South about love of the Union. They have enough of it—enough. It has betrayed them into silence too long. Conscious as the North is of her ultimate purpose to drive us to the wall, she is herself astonished at our patience and ductility.

No, sir, it is not for the South now to sing peans to the Union. Let its friends at the North remind their people of its blessings. We have more sacred duties to perform, and dearer rights to protect, and our people should be reminded of *them*. Until our rights are respected, the appeals that I shall make to my constituents will be addressed to their sense of wrong, their pride, and manhood. When southern rights are respected, I will then join heartily in the chorus to Union.

The Abolitionists have indeed cause for triumph. The strides they have made have been rapid and are still progressing. Contrast their condition ten years ago with their present condition. Then their petitions were rejected, they were scouted by both parties, and their solitary representative in this House publicly condemned and censured. He is now surrounded by an organized party, bold, talented, and unscrupulous, whose demoniac hatred of the slaveholder might challenge the envy of the Asiatic Thug. They have their press in the midst of us here, scattering its fire-brands (as we were triumphantly told the other day)by thousands into every quarter of the Union. The South calls for legislation in vain. The fact cannot be concealed any longer, that these men are now the master spirits of this House from the North. That torrent of indignation which the lovers of this Union from the South expected would overwhelm them from the North, on account of their recent disorganizing proceedings, has been looked for in vain. They are the principal speakers from the North on this floor; and, conscious of their power, and in emulation of that arrogance which they are pleased to ascribe to the southern slaveholder, they shake their fists at the northern doughfaces, as they term the conservative Whigs and Democrats, whom they drive from their propriety, by holding up to their terrified imaginations exaggerated pictures of popular indignation and political graves and funerals.

Since this discussion has commenced, but few words have fallen from a northern man on this floor calculated to soothe the justly-incensed feelings of the South, or check the torrent of abuse with which she is daily assailed. When the gentleman from the 16th district of Pennsylvania

[Mr. McLanahan] arose to address the House a few days since, we were prepared, from his known associations, to hear something conciliatory and conservative; but, as if conscious of having disappointed the expectations of his people, or done violence to northern prejudices, by abstaining from the wonted vituperations of the South, and desirous, as it would seem, to propitiate the prevailing feeling of hostility, he concluded his speech by one sweeping denunciation, by which the whole South was branded as a national stigma and disgrace. The thought was at once suggested, why do not these men at once rid themselves of this disgraceful connection. Before God, if I were of this opinion I would not consent to live another day in a connection so vile. What southerner on this floor, in view of these opinions, can doubt that the North would long since have severed these bonds, but for some cause more potent than a mere love of union—union coupled with disgrace. The sentiment of pure love of the Union for the Union's sake, is confined to the South. This is the chief cement with us—mutual weakness, which first brought us together, no longer exists. If we were now a separate people, and a proposition were made to unite with the North, what would be the arguments in its favor? Name one commercial benefit that we would derive from the connection. If it was so difficult in 1788-'89, when we numbered only 1,500,000 people, to induce our fathers to form this Union, what arguments could be adduced now to overcome that reluctance?

Let us enumerate the inducements that our northern friends would hold out:

First. They would say your exports in cotton, tobacco, sugar, rice, corn, wheat, oats, peas, early vegetables and fruits, tar, pitch, turpentine, lumber, and a hundred of other things, amount to $150,000,000; it is all carried in your own bottoms, and puts to a great deal of trouble thousands and tens of thousands of your people. Now, we will relieve you of all that, and your sons can hereafter enjoy *otium cum dignitate* upon their farms.

Secondly. Your imports amount to as much as your exports. They are brought directly into your Atlantic and gulf sea-ports. Your wharves are crowded with all sorts of goods and foreign luxuries; your towns are swelling out to inconvenient sizes; you are drawing your population from the country—converting honest, simple yeomen, into tradesmen, bringing them into contact with the vices of the city, making bad citizens of good, and thus poisoning the very vitals of your Republic. We will protect you from these evils by becoming your factors and agents. We will import these things for you at a reasonable per centage, and send them South in such quantities as you may need—deducting, however, a large per centage for profit.

Thirdly. You have an annual revenue of $20,000,000, which you receive from a small duty of fifteen per cent. Now, you buy your goods so cheap, and pay for them so easy, there is danger of your becoming wasteful, prodigal, and luxurious. Moreover, ten millions of these twenty you waste and scatter among your people on schemes of improvements; thus teaching them to look to Government, instead of their labor, for support. The corrupting influence of so much money will destroy the morals of your people, and your Government will finally fall into the hands of a corrupt set of servants, who will first plunder and then enslave the people. Now, by uniting your fate with ours, we will protect you from those evils. In the first place, we will raise the duties fifteen per cent. higher. We will supply you with half of those goods from our own factories, and on the other half we will collect as much revenue as you do upon the whole; and, instead of corrupting your people, by making railroads and canals, we will throw the whole of it on our lakes and rivers.

Fourthly. You will have the praise and satisfaction of doing acts of unparalleled magnanimity. Our people "down east" live in a cold, hard climate, upon land that is rocky, sterile, and unproductive. They cannot live in such a country unless by means of their water-power. They are able to work up your raw cotton. Your climate is genial, your soil fertile, and always yielding. You had better plough that, and let us plough the ocean with your products. Now, let us do your navigating and manufacturing, and importing, while you work your plantations. Thus, you will not only live comfortably yourselves, but you will also give us employment and the means of prosperity, which we now can only obtain by moving to the South.

Fifthly. You might safely repeal many of your police laws which are now very inconvenient to both of us. You need not examine the mails for incendiary publications. You may abolish passports between North and South, for we will take care to punish as felons those abolitionists who steal your negroes. We will restore your fugitive slaves instead of harboring them, and when you come after them, we will help you to recapture them. We will neither put you in prison nor assassinate you as we do now. Neither will we excite your slaves to rebellion or insurrection, but we will inculcate obedience. We will establish the seat of Government where you may bring your servants in safety. In fine, there shall be no strife between you and us, and united in one grand republic, we will present to the admiration of the world, in time to come, a continent of freemen under a common government, worshipping at one altar, whose constant fires shall dispel the darkness which hangs over the rest of the world, and finally conduct it out of the bondage of centuries.

I will not say, Mr. Chairman, what effect these arguments would have towards producing a union. But I am certain they would prevail to continue one already formed. I would put this question, in all seriousness, to our northern brethren: Believing, as they do, that slavery is a national disgrace, would they not unhesitatingly rid themselves of it by withdrawing from this Confederacy, but for the commercial advantages they derive from the connection? It is perfectly evident there can be no fraternity of feeling on their part towards the southern slaveholder. There can be no real desire to continue in union with men with whom they must share a disgrace, which, but for that union, they would be exempt from. And I am perfectly satisfied that nothing holds the North to the South but the millions she annually draws from her. The amount is estimated by one of her best political economists at $88,000,000.

Since we are to pay for the privilege of remaining in this Union, is it unreasonable that we

should demand, on our part, some security against the machinations of those who are seeking to convert this great moral, physical, and political evil into a moral, physical, and political death? This great question is not to be settled by mutual defiances. The two great sections should understand what each wants, and why it wants it. It is too important a matter to be made the stakes of a game of brag. We have a national reputation for many virtues. Among others we are known to be a brave people. I should be sorry, exceedingly sorry, if I believed that character was deserved only by southern people. And when gentlemen from the North intimate that we had but a very small share of it, I had no other feeling but regret that they should feel so little like Americans. I have observed in my intercourse with men, that the bravest are generally the least jealous about their reputation for bravery, probably for the same reason that a man of wealth is least solicitous about his credit. A consciousness of perfect security on the part of both, no doubt, imparts this comparative indifference.

But, sir, the South is not moved by these insinuations. I say we should understand each other's views. The North says the South is afflicted with an evil. Now, sir, we must take care that that evil does not destroy us. And we might fairly call upon the North, by the memory of our ancestors, of their common struggles in the cause of liberty, by the bond of fraternity by which they intended to link indissolubly together the destinies of their children to the remotest posterity, to assist us in alleviating the evil with which they say we are afflicted.

But instead of assisting us, they seek to aggravate it. They avow their purpose of surrounding us with free States, and thus cut off the prospect of a gradual but certain flow and final settlement of a greater portion of this race in the warm climates of Mexico and the equatorial regions of South America. This means of relief, which is the same by which they relieved themselves, the North is disposed to deny us, and insist on girding us around with free States. Now, sir, thus stands the case. The safety of the South requires that they should spread this institution over all the regions of the South. This shocks northern sensibilities. But, sir, in fifty years from now, our slaves, if confined in their present limits, will be troublesome. We are not permitted to regard northern sensibilities. Sir, I speak plainly. It is best to strip the question of every disguise. Let the North see that the South is not contending for abstractions or shadows, but for future security. The question is far, very far, above one affecting the rights of property merely.

When the North comes fully to understand the true nature of this controversy, and that what they stake upon it, is a mere bagatelle, compared with the tremendous consequences to us, they will then duly understand two things: First, what a very small question the Union itself becomes, when weighed with the terrible results with which their policy, if carried out, is pregnant. Secondly, how inevitable and deadly must be the struggle between the North and South, if that policy is persisted in and force be applied. If the North can be made fully to understand the nature of the controversy and its inevitable bearings upon us, they will then see how silly and puerile is the charge that we are factionists or disunionists. Why, sir, they have not raised themselves up yet to the importance of this question—they do not understand our motives or acts. The *Union* of these States was once a great political question. It was a great question when the Confederacy was formed—it was a question about systems of government. It was a great question during the times of nullification, when its blessings had to be put in one scale, and a system of illegal and oppressive taxation in the other. On these occasions it was proper to remind the South of their separate weakness—of the counsels of their patriarchs—of the power and glories of the grand Confederacy—and of the dreaded consequences of a dissolution. But what are these things compared with that condition in which the South will be placed fifty years from now, should northern policy triumph? Within a few thousand square miles will be cooped up twelve millions of slaves and as many white men. Free States will exist all around them. The Abolitionists in and out of Congress will wave to and fro the incendiary's torch, until the countenance of every negro will glare with demoniac hate of the white man. From the scarcity of fertile soil, his services as a slave are no longer wanted; he is permitted to roam at large, and the triumph of the Abolitionists is complete. The white man owns the land and everything called property; the negro is destitute; and if he were willing to work, there is nothing for him to do. Twelve millions are in this condition. Why should I draw out the picture any further? This is the destiny recommended to us by our northern brethern; and to divert us from its contemplation, they shout into our ears, with all its variations, the good old song of Union, Union!

Now, Mr. Speaker, I will venture upon an allegory, as illustrative of my feelings on this subject, and those of every southern man who will reflect.

If there be present one from the North who has a large family of children whom he loves, I would ask him, what would be his first concern, if he were to wake up in the dead hour of the night and discover his house to be on fire? To snatch his children from the flames, of course. After that, he would secure his property, beginning with the most valuable. But until the children were all safe he would not think about the valuables. Now, sir, when gentlemen talk to me about union in the present controversy, but for the gravity of the other matters involved, I should laugh at them for their simplicity. Sir, wait until the children are snatched from the flames; wait until more essential things are secured, and then, sir, we will endeavor to extinguish the flames. Those who raise the cry of the Union in the present crisis, occupy pretty much the attitude of the old woman, who cried out lustily for her band-box, while all others were busy in snatching the inmates from the burning building, with this slight difference in favor of the old woman: those who cry out Union hold the bucket of water that would save the building.

Gentlemen ask us to turn aside from the great work before us, and consider the Union. Save that first, and then turn your attention to your honor, your equality and your safety. Sir, the power does not rest with us to save this Union—you ask an impossibility. The North alone can

save this Union. They begat the storm, and they alone can appease it. And let them reflect it is in the power of a single State to break up this Union, if this question should lead to it. The hasty action of a single State could throw the whole South into a hostile attitude to the North.

Sir, were we to consent to submit to the terms you propose, still this Union would not be preserved; you would have something bearing the name, but no more like the Union of old, than the present government of Rome is like that of her first Consuls. Those pillars are wont to witness an assemblage of freemen from every quarter of this grand Republic; the public who sit in those galleries are wont to hear the bold and fearless voices of men who come here to speak the language of sovereign States assembled in grand council to deliberate upon the welfare of all. Here in these halls the North and the South are wont to exchange their annual salutations, and, like brothers of equal birth and heritage, to confer upon those things which concern the joint honor, pride, glory, and interest of their Houses. Everybody delights to look upon this annual gathering of sovereign and independent nations. But, sir, what do you propose? You insist upon destroying this equality; you ask us to admit our inferiority, to confess to a crime which attaches to our lives, and brands us with shame. Could a southern Representative come into this hall under such circumstances without feeling that he had been spat upon and dishonored? Would not you yourselves feel a reflected degradation at the association? Would you not involuntarily exclaim, where are those frank, open, generous countenances from the South, that were wont to greet us here? And when you reflected that you yourselves had exterminated this race of genial spirits, you will sit as mourners in those halls, and confess to yourselves that the old Union no longer exists

When gentlemen say that the South desires to extend the area of slavery and multiply the number of slaves, it is manifest they have not yet comprehended the question, and are ignorant of the necessities of our situation. But, sir, we know the race is increasing and will continue to increase. They must remain in bondage or be exterminated; if there be another alternative, it is their gradual disappearance to the far South and Southwest. This being the state of things, an enemy springs up and tells us we must emancipate. If we do not, he will force the result by circumscribing our limits and chaining as it were the two races together in the same dungeon. We will either force you to live as equals or we will place you where one or the other must be destroyed. The gentleman from Pennsylvania [Mr. Stevens] has disclosed the designs of the North. He says:

"I am opposed to the diffusion of slavery, because confining it within its present limits will bring the States themselves to its gradual abolition. Let this disease spread, and although it will render the whole body leprous and loathsome, yet it will long survive. Confine it, and like the cancer that is tending to the heart, it must be eradicated or it will eat out the vitals. The sooner the patient is convinced of this the sooner he will procure the healing operation."

And again:

"The eloquent gentleman from Alabama [Mr. Hilliard] is of the same opinion. He said: '*We must make up our minds either to resist the interdiction of the progress of slavery, or to submit to an organic change in our institutions.*'

"Yes, sir, this admitted result is to my mind one of the most agreeable consequences of the legitimate restriction of slavery. Confine this malady within its present limits, surround it by a cordon of freemen that it cannot spread, and in less than twenty-five years every slaveholding State in this Union will have on its statute books a law for the gradual and final extinction of slavery. Then will have been consummated the fondest wishes of every patriot's heart."

In view of these threats and this inevitable fate, we are asked to submit for the sake of this glorious Union,—a Union whose labors are directed to the accomplishment of our ruin.

It cannot be concealed, sir, that this western continent is now owned by too distinct classes of men, who are rapidly arranging themselves in hostile attitude. We feel this, and we are determined to prepare for the storm that is gathering, by taking our position as to territory. We must have the southern portion of this continent for our uses; you may have the north for yours. Sir, you may settle this territorial question to-morrow to the satisfaction of all; yet there is but small progress made towards an adjustment, which shall insure perpetual peace and union. You must restore the original spirit and feeling in which this Union was made. You must moreover arrest the progress of another, which, if allowed to grow, will as certainly burst asunder those bonds, as any other effect will follow its natural cause.

Is it a common feeling at the North that slavery is a national disgrace? Answer that question in the affirmative, and I must then say, I have not words to convey my unmitigated, my utter contempt for the people who would consent to live another day with such a brand upon their foreheads. The force of this sentiment, if genuine, will ultimately drive you out of this Union, or compel you to destroy every vestige of the hated institution. No ties of self-interest can prevent the consequences of this feeling. Hence I say, this Union is not safe, and can never be safe, until the feeling which brought the fathers together, shall reanimate the bosoms of their sons. If the only bond which binds the North to this Union is the annual tribute it draws from the South—if this be the only cement which keeps this Union together, then it is but of short duration.

If there be danger to this Union, whence does it arise? Not from the South. It has become very common to speak of southern fanatics. What makes a southern fanatic? Do you call his determination to defend his fireside fanaticism? There is not a southern man who would ever open his lips on the subject of slavery or disunion, if you would cease your assaults. Let the appeals to save this Union be made to those who threaten it. Let them be made to the aggressor—to those who have it in their power at any moment to allay this excitement, by merely abstaining from aggression. I have never believed this Union was in danger, except from timid southerners and treacherous presses. They invite the aggressor to hold on, by their readiness to submit. Does any one doubt, if southern presses and politicians were all to unite in one declaration of resistance, "at every hazard, and to the last extremity," that this question would be speedily settled to the satisfaction of the South? It is no disparagement to the North to say this. If she can get this proviso without danger to the Union, let her do it. But when she perceives that she must choose between the proviso and the Union, I compliment her understanding and appreciate her discretion, without by any means detracting from her gallantry, in supposing

she will wisely take the latter. And if the North should prefer the Wilmot proviso to this Union, is there a southerner who will say, in that event, that this Union is worth the effort to preserve it?

Again, sir: If all the presses and politicians of the South were as some I could name—if all the Representatives from the South had come here with a protest in one hand and a declaration of submission in the other, the Wilmot proviso would long since have passed, and every other threatened aggression would soon receive the sanction of Congress. I say it without fear of contradiction, that nothing has arrested these contempla ted outrages—nothing can prevent their ultimate perpetration, and with it southern humiliation and ruin, but the firmness and decision of those who are assailed by the false and timid as the disunionists of the South. Sir, in times like these I warn my countrymen against the counsels of superannuated statesmen. They are not equal to the occasion—their cravings and wants are rest and quiet. Our revolutionary movements were conducted by men not even in the prime of life, and they built up the monuments of their imperishable fame while young, bold, and ardent. Had they resorted to octogenarian counsels, there would have been no revolution, no independence. For myself I laugh to scorn the charge of being a disunionist. The liberality, equality, and honor of my constituents I raise above all considerations. I say again, I regard the sentiment that this Union is the *greatest* of blessings, and its destruction the *greatest* of evils, as high treason against liberty and human rights—a truculent, groveling feeling, tha sickens a manly bosom. Some of our northern brethren have virtually told us they hold the Wilmot proviso at a higher value than the Union, and will insist on it at every hazard. Shall we rate our liberty, our rights, our honor at a less price than this contemptible offspring of fanaticism? Why should we be expected to make so dear a sacrifice to this Union, when it is thought to be of less value than even this bastard offspring of a mock philanthropy?

Sir, there has never been a moment when the North could not put a stop to this excitement, this angry controversy. They can in one day, by a mere act of justice, involving no other sacrifice on their part but merely abstaining from the pleasure of doing wrong—they can reduce this political storm to a wholesome breeze, on whose wings the glad tidings of peace would be borne over the land, filling every patriot heart with joy.

SPEECH

20 67

OF

HON. ISAAC E. MORSE, OF LOUISIANA,

ON THE

PRESIDENT'S MESSAGE IN RELATION TO CALIFORNIA.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, MARCH 14, 1850.

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1850.

THE SLAVE QUESTION.

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. MORSE said:

Mr. CHAIRMAN: The importance of the question under consideration will be the only apology I shall offer for asking a share of the attention of the committee.

The debate which has been going on for some time in this body and the Senate, has left little for those who follow, but the gleanings of a field once as rich as the mines of that California whose admission into our Union is the subject of the Executive message now lying upon your table. May our acquisitions in that quarter not prove like the fabled fruit of the East, beautiful to the eye, but ashes to the taste.

The whole history of this California question has more the appearance of romance than of truth, and it is only from fable or fiction that we can draw any parallel. Where, but in the mythological story of Minerva, springing armed from the head of Jove himself, do we find anything to illustrate her present position?—a sovereign State as large as the old "*thirteen*," with nine hundred miles of seacoast, her two Senators, and two Representatives to this branch, with their constitution in their hands, stepping from the brain of a brigadier-general of the United States army, into this Union of confederated sovereignties.

Had you but provided her with the decent veil of a short territorial government at the last session of Congress, I see nothing that would have prevented her from being admitted under the operation of your "*previous question*;" but when it has been so often and so solemnly announced upon this floor, and by the resolutions of a large number of State Legislatures, as the settled and avowed policy that, henceforth and forever, from now to eternity, no other slave territory shall be incorporated into this Union, the question assumes an air of grave importance, and it becomes every statesman to look narrowly and carefully into it, and to see whether, if that be the settled policy, as avowed by some gentlemen, boldly, manfully, and honestly, and entertained by nearly every Representative from the States North of Mason and Dixon's line, it does not become the duty of the people of the South to see how far their interests are endangered and their principles compromited, under this modern reckless and majority interpretation of the Constitution. I am not of that class of men who desire to put off until to-morrow the business of to-day. I propose, then, sir, briefly to examine the "*signs of the times;*" what is the present feeling North and South; and whether the South are guilty of aggression upon the rights of the North, or whether the North has or has not encroached upon the South—to look upon the remedy proposed by the southern States—to examine coolly and dispassionately the relative advantages of the Union. I am not to be seduced from the even tenor of my way by the siren songs of hosannas to the Union, nor am I to be deterred by the yelpings and howlings of those who choose to call me agitator or disunionist.

When our forefathers framed this Constitution, they declared, that, "We, the people of the United 'States, in order to form a more perfect Union, es-'tablish justice, insure domestic tranquillity, pro-'vide for the common defence, promote the general 'welfare, and secure the blessings of liberty to our-'selves and posterity, do ordain," &c., &c.

Each and all of that posterity have not only the right, but their duty to those who come after them requires that they should see whether this compact is faithfully kept; and a man who cannot speak is a fool, who will not speak is a bigot, and who is afraid to speak is a slave.

I shall come, however, to that portion of my argument (if my time allows) last.

Before I begin, I desire to disembarrass this question from all extraneous matter—to set some gentlemen right upon the subject, by denying once for all, that slavery is an evil, and that anybody has any right to remedy it as such. This most mischievous error has grown up from the sentiments of Mr. Jefferson, and many other southern statesmen, hastily and imprudently expressed at an early period of our country; also from the objections made to slavery by some of the southern States. Whatever might have been the sentiment of the people of the South then, it has undergone a great change. We have seen our country flourish under this system—a tropical climate and soil (where the white man cannot cultivate the earth, without incurring more or less risk of health or life) converted into a terrestrial paradise.

We have seen grow up with this institution a noble, chivalrous, and intelligent people, who have always exercised, and (without meaning to be at all offensive) will continue to exercise, in the affairs of the world and of this country, an influence fully equal to our numerical strength.

Without intending to disparage, in the least de-

gree, our brethren of any portion of this great domain, I do not hesitate to say, that in the peaceful walks of civil life—in the stirring events of war—in everything that can adorn and elevate a man, the people of the South are fully your equals, and being completely satisfied with all our institutions, we do not desire, or intend to allow, any change in any one of them.

I ask you, Mr. Chairman, is it not true that the people of one half of these States have discussed seriously, or are now discussing, the propriety of meeting in Convention at Nashville, to see what steps are necessary to be taken to secure their honor and their constitutional rights, which they say, or think, are both endangered.

I agree with my friend from Georgia, [Mr. Toombs,] that up to 1820 there was no great cause of complaint. The people of the North and South lived like a band of brothers, and the stars and stripes floated over one people.

Is it so now? I will not weaken the argument of the Senator from South Carolina, [Mr. Calhoun,] in regard to the separation of the churches, North and South. When, I ask, was it seen before, that Christians cannot bow before the same altar, and worship together that God, who commands us to love our neighbor as ourself—when before have you heard of the resolutions of one State having been sent back in contempt, because they contained insulting and offensive matter. Our children are not educated, as formerly, in the northern colleges—traveling has greatly diminished—the pulpit, the press, this Hall—ay, the Senate, where grave old men were wont to talk calmly and wisely—now hear constant and continued fulminations of one portion of the American people against the other. These things cannot last and the Union continue. Why, if no legislative enactments of an offensive character were ever passed, the indulgence of their feelings will ultimately estrange these parties. This Union has not unappropriately been compared to that most beautiful and holy union of the sexes, which our Creator instituted; but when mutual love and respect are gone—when that mysterious sentiment, which is not only the spirit, but the substance of the contract, is gone—the rest is a worthless and insulting mockery.

When, Mr. Chairman, in the history of the last thirty years, has it ever been remarked before, that Clay, Calhoun and Webster agreed upon any one question, as we have seen from their late speeches, they do upon the *open violation* of the Constitution, in relation to the rendition of fugitive slaves. Speaking, sir, in legal parlance, they agree entirely upon the facts and the law. It is true, they differ widely about the remedy, as would naturally have been supposed from their respective localities, the temper of the men, and the character of the people they represent; but all three agree that the North, by refusing to surrender up fugitive slaves, violate both the letter and spirit of the Constitution; and all urge, not only the justice, but the absolute necessity, of enforcing that provision, and repealing the laws which in many of the States render it inoperative. If, under these circumstances, the three master minds of America have so little influence or control that they cannot arrest this evil, then indeed is the disease organic, and too deeply seated for the ordinary remedies.

If the light of three such minds (which, like the expiring flicker of the lamp, seems to burn brighter, before it is forever extinguished, and whose great genius and patriotism we may never see united again) cannot penetrate the gloom that veils the future, and do what I know they all desire, save this Union, we must look to some higher source—"*ne quid detrimenti Respublica capiat.*" I regret to be obliged to differ from the distinguished Senator from Kentucky, [Mr. Clay,] whose name never fails to recall the association of eminent talents, great aims, and a long career of public service, who seems to appreciate too lightly the dangers which menace this Union, and whose great weight I am afraid will be thrown against the South.

It neither suits my taste nor temper to pursue this unpleasant recital further. From all I see, and hear, and read, and feel—an instinct which rarely deceives me—tells me that there is danger—great danger—to the Union, and to the Constitution of my country, which God, in his infinite mercy, avert. It is not by eloquent appeals, and beautiful eulogies upon the Union, that it can be saved—less so by such expressions as a determination to stand by the Union, proviso or no proviso. When gentlemen from the South indulge in similar expressions, they are more dangerous to what I conceive the best interests of the South than the most ultra men of the North—when you say, come what will, you stand by the Union, you invite aggression. It may be of little moment to you whether you lose your hat or your cane, but if you let it be known that you will not resist—that you are a lover of peace—men will soon be found ready and willing to trespass upon your rights, and put an indignity upon your person; much less can the Union be saved by the course of the northern and metropolitan press, hitherto remarkable for a frank statement of the true "*signs of the times*"—not by concealing the true state of the public mind at the South—not by publishing garbled portions of the messages of our governors, or the resolutions of our State legislatures, with here and there a solitary article upon the value of this Union, as though there was some cabalistic meaning of the word, that could cover up and atone for every sin. No, sir. Let the truth be spoken far and wide. Let it be known that there is a large portion of the American people discontented, who are ready and willing to renounce all old party associations, and are anxious to meet their fellow-citizens of the southern States in convention at Nashville, in the month of June next. A majority of the southern States have made preparations already to be represented—probably nearly every State will be; and whatever may be the decision of that convention, every southern State, with perhaps one or two exceptions, for weal or for woe, will make one common cause. Notwithstanding the IO! ejaculation and bitter denunciation of disunion by the Senator from Texas, that State has made the legal and necessary arrangements to be represented, and further, *refused* to vote instructions to her delegates to use all their influence to prevent a dissolution of the Union. Let us understand each other, and talk like men, as no disease was ever avoided by concealing the danger, or cured by wishing the patient well; so neither discontent nor disunion will be prevented or cured by lauding the glories of

the Union, or threatening to drive the traitors into the Cumberland river.

I propose briefly, then, to examine the second proposition: Who are the aggressors?

To do so, understandingly, let us see what was the relative position of the people North and South upon this question, and see who have advanced, and who have retreated.

The first hostile movement was made when Missouri applied to be admitted into the Union. After five months of angry discussion, that State was admitted, and the Missouri compromise passed—that is, when the people, authorized to form a constitution, having all the constitutional rights to be admitted into this Union, presented themselves with their constitution, they were refused admittance, until the South consented to establish the imaginary line of 36° 30', north of which they forever bound themselves and their posterity not to go with their slaves, while their northern brethren might go north or south. There was the fatal error of the people of the South. They should never have conceded the jurisdiction to Congress on the subject. They should have resisted, at every hazard (as they must do at some time or other) every attempt to prevent them from going, when they please, where they please, and with what property they please, into any and all the territory of the United States, every acre, every foot—ay, every spoonful of which—was the community property.

The country, however, remained comparatively quiet until about fifteen years ago. Still there was no great uneasiness felt, until the admission of Texas into the Union. You, Mr. Chairman, and I, were members of the twenty-eighth Congress, and recollect the discussion that took place. Let me read an extract or two from the speeches of northern men upon this subject:

"Yes, sir, I repeat, hypocritical pretences! What, the ministers of the liberty-loving Government of Great Britain, so impressed with the horrors of human servitude in Texas and the United States, as to interpose their benevolent policy in our affairs, as an act of pure philanthropy! No person, at all acquainted with English history and policy, and who has learned even a tithe of the suffering of the millions upon millions of human beings held in abject and intolerable slavery throughout her vast dominions, can fail for a moment to read this" painted hypocrite

'Through the disguise she wears.'

"Look at England herself. In the distance, like the whitened sepulchre, she looks splendid—beautiful. Approach her; enter her cold and dismal mines; then behold slavery—half-clad, half-starved, pale, emaciated slavery—in the shape of human beings, compelled to ceaseless servitude, the doomed and wretched vassals of the very lords and earls who prattle so loudly upon the floor of Parliament about the horrors of American slavery. Enter her manufacturing towns and cities; see the ragged and wan husband and father, struggling early and late for a mere pittance. Visit the wife and children in the miserable and dirty hovel, enduring all the horrors bordering upon nudity and starvation; and then call to mind, that all this is the direct effect of the oppressive and grinding policy of these pretended philanthropists for the negro race in America. But we need not stop here. True, she freed her slaves in the West Indies. For what purpose? not of a hatred to slavery! From a sincere desire to relieve human suffering? Or was it to foment the spirit of *political abolitionism* in the United States, to array the *North against the South*, and thus to weaken the ties that bind us together, and finally consummate her long-cherished desires, by *a dissolution of our Union*, and prostrate forever her great and rival antagonist in commerce, manufactures, and the arts."

You, Mr. Chairman, heard all that discussion—you saw all their fire-brand resolutions voted down and denounced by northern men. I need not say to you, that was the way the Democracy of the North, and many of the intelligent Whigs, voted. You know who stood by the Atherton resolutions, and all such resolutions as would give peace and quiet to the South. Let me show the committee how northern States—at least northern Democratic States—acted. While the Texan annexation was under discussion, a member of this House, from New Hampshire, wrote and published a long letter to his constituents, assigning his reasons for deserting his party on this question, and put forth an anti-slavery manifesto. You recollect in what unmeasured terms he was denounced by one of his colleagues. I will not offend the committee by reading the insinuations made against the veracity of his address. Suffice it to say, that no gentleman, born and brought up south of Mason and Dixon's line, would ever have preserved friendly relations afterward, without some satisfaction.

The author of that address had been nominated as a candidate for reëlection to this body by the entire Democracy of the State, (because, at that time, New Hampshire had not adopted the district system of electing her members of Congress,) and though it was within a few weeks, if I remember accurately, of the time of the election, and at an inclement season of the year, a convention was called for the entire State, the nomination was cancelled, another person was substituted in his place, and from that day JOHN P. HALE has ceased all connection with the Democratic party. True it is, that by a union of the Whigs and Abolitionists, he was elected a Senator; and the colleague who denounced him, and the author of the speech, the extract of which I have just read, is—who do you suppose, Mr. Chairman? why, MOSES NORRIS, his co-Senator!

Where are the eloquent defenders of the South—no, sir; not of the South, but the fearless exponents of the Constitution? Where are the Browns? the Ingersolls? the Athertons? the Norrises and Ellises? and echo answers, "Where." All have been compelled to turn their coats like HALE and NORRIS, or one by one have been stricken down, or *forced into voluntary exile* from public life.

The committee will pardon me if I read one short extract from the speech of an able member from New York, the Empire State, with thirty-four members upon this floor, and but one solitary spared monument of the defenders of the Constitution:

"Let the scheme declare, as the bill of my colleague, [Mr. ROBINSON,] the predecessor of my friend before me, from New York [Mr. DUER] proposes, that after forming one slave State, slavery shall be prohibited in all the other States which the territory may hereafter make, unless Congres shall otherwise determine by law, and you drive Texas into indignant rejection. You make a fundamental provision which, if adopted, would be an unfailing source of agitation, of contention—perhaps of *disunion* itself. The spirit of political abolitionism would rejoice in triumph. It would hold a power over the action of some members of Congress hereafter, whose faces it would knead into dough. You would effectually imprison the slave race within those prescribed limits of the Union, close the drain and the outlet to Mexico, and most surely perpetuate the existence of slavery under the pretence of extending the area of freedom."

Such then, Mr. Chairman, were the sentiments of all liberal men at the North. I hope to hear no more of the aggressions of the South, or the slaveocracy, as we have it classically expressed. The idea of a party in a minority of more than forty members, on this floor, aggressing upon the rights of the majority, is as ridiculous as would be the

attempt of a weak, sickly man, to encroach upon the privileges of a strong, herculean neighbor. If you mean to carry out the opinions entertained by nearly all men of all parties, and restrict us to our present limits, and forbid us from ever extending ourselves and our institutions, say that you have become more righteous, or that you understand the Constitution better, or what you please, but do not charge us with aggressing upon your rights. How can we aggress upon your rights? We cannot pass a solitary measure without a large vote from the North, if all the Representatives from the slave States were united. Can you name a single instance where the South have endeavored to interfere with the domestic affairs of the North? If you will strike out of your proviso the word "slavery," and insert any other substantive in the English language, there is not a man, woman, or child, but would rise up and denounce it. Say that the Catholic religion, or the Methodist religion, the common law, or the civil law, shall not go to California, and there would be a denunciation from one end of the Union to the other. It is true that the Wilmot proviso, *eo nomine*, is defunct. I was sitting in that gallery when it was introduced, and a gentleman observed to me that it was the worst firebrand ever introduced, and would dissolve the Union, and we both went into the House, and voted against it.

The people of the South relying upon their constitutional rights, are committed against this Wilmot proviso, and you will not pass it. When the Constitution was framed, the people of the South had intelligence and foresight enough to make such constitutional provisions as were necessary to secure them from any encroachments. We think those provisions sufficient, and are willing to trust ourselves under that Constitution when faithfully executed; but I desire to say for myself, without intending or wishing to commit any gentlemen to my views, that as it is admitted by northern men, jurists, and all writers and commentators upon the Constitution, that without these guaranties, the Union could never have been formed; if it shall be shown by the legislation and practice of this Government, that they are not sufficient to secure all the rights of property in slaves in *esse posse*, *manendo et eundo*, I desire to have additional guaranties.

Mr. McCLERNAND wished to know whether the gentleman intended to exert his influence to cause the southern States to secede, or break up the Union, if they do not get an amendment to the Constitution?

Mr. MORSE. If those guaranties are not sufficient, or are not maintained, I will devote all my energy, day and night—I will write and talk to the people to bring this about. My people, in giving up the right to go north of 36° 30′, will at least have the doctrine of non-intervention respected south of that line. I believe the guaranties of the Constitution amply sufficient, and am willing to submit the question to the courts of justice.

Mr. McCLERNAND. The gentleman says that, if such and such things are not done, he is for disunion. He insists that slavery is tolerated south of 36° 30′. Now the gentleman, holding the doctrine he does, I ask him, in view of that doctrine, how can he contend that non-intervention can prevent him?

Mr. MORSE. It cannot.

Mr. McCLERNAND. What is the difficulty, then?

Mr. MORSE. Because you declare in all your speeches and preambles, and will probably do so in some legislative enactment, that slavery shall not go there, or that it is forever excluded by Mexican law. The moment you do, you violate the bond, tear your name from it, and seek to hold us to it.

Mr. McCLERNAND. You said the Wilmot proviso was defunct.

Mr. MORSE. True; but there are two other provisos, the Executive, and, the most *odious* of all, the *Mexican proviso*, as I shall call it—"a rose by any other name"—the quotation is somewhat musty.

Mr. DUER. If the judiciary decides against you, will you then insist on your proposed change in the Constitution?

Mr. MORSE. No, sir; I would abide by that decision—you cannot make your Mexican proviso any more palatable. If I am to be excluded from the country, where you said solemnly we had a right to go, I would rather you should do it than the Mexicans.

The legislative and the treaty-making power are both subservient to the Constitution, and no law—no treaty can bind any citizen that contravenes that sacred instrument. The President and the Senate cannot make any treaty in defiance of this Constitution. If a stipulation had been inserted, either by the commissioners or in the Senate, (as I learn was attempted,) that slavery could not go to every part of the territory south of 36° 30′, it would not be worth the parchment on which it was written, and I would go there, as I have no doubt we have a right to do with our slaves, and if there was an honest judge to be found, (any man except one who thinks that he is justified in violating his oath because the Constitution is subservient to the laws of God,) I would hold your treaty null and void, and I should be protected in the enjoyment of my slave property. Could your President and Senate make a treaty establishing a Church as a part of your State government? Could your Senate make a treaty recognizing a title of nobility? In short, can it do anything forbidden, or even doubtful, under your Constitution?

Well, what is the force of this *Mexican proviso*? I have read all the writers upon national law, and I find nothing of the kind, and I regret that a Senator from Pennsylvania has Vattel in the original from the library, or I would show what the law on the subject is. I will however state, that all that any writer contends for, is, that the people shall not be left lawless, and that such municipal laws and regulations as are necessary, are (*ex necessitate rei*) left in force until the laws or will of the conquering power is known. Our Constitution is sovereign, and extends *instantly* over all territory acquired in any manner whatever, and annuls and abrogates all laws repugnant to it. An established religion is part of the law of Mexico. Is there such a thing in these territories now? There are fifty articles, contraband by the Mexican law, now going in free. Have you ever extended even your revenue laws over these people? How are all these things done? Because our Constitution extends there, and provides for all the legislation therein contained, either the positive or the prohibitive enactments. I presume there may be

laws formerly in force, that have a binding operation now, where they do not contravene our Constitution, or, it may be, our acts of Congress.

While on the subject of this proviso, I must here say, that if any doubt had ever rested upon my mind, the able argument of the gentleman from Ohio [Mr. DISNEY,] has placed that question beyond a controversy. It was even more satisfactory than that of the distinguished statesman from Michigan; and when your inexorable hammer fell, I was both sorry and glad—sorry to have so able an argument interrupted, and glad not to hear the gentleman show how this thing could be done in another way. If he would bring to bear half the research he has shown upon the Wilmot proviso, I know that he would be satisfied that this notion of the Mexican law doing what the Congress of the United States cannot, and will not do, is equally erroneous, unjust, and forty times more offensive than the other.*

Mr. Chairman, is it necessary to say anything more to prove that these ideas of interfering with slavery in the territories—of the right of Congress to exclude any portion of the American people from carrying their property to all parts of the United States—or the last position, that there is no right of property recognized in slaves—are all of very recent origin? Only a few years ago, Mr. Van Buren, the present head of the Free-Soil party, while representing our Government at the court of St. James, made an able argument, and succeeded in obtaining indemnity for slaves liberated by the English authorities at Nassau; and the only real difficulty was, where their value was to be estimated.

Has it come to this, that we will threaten, with the power of our country, a foreigner who interferes with the slave of our fellow-citizen, but are unable to make our own citizens respect the rights of property of each other, or obey the clear, undisputed requisitions of the Constitution? Then it was true, that the flag of our country protected all her citizens alike? If the person or property of the humblest of our fellow-citizens from the North is molested by the most powerful nation of the earth, our pulse beats quicker at the recital of the injury, and thousands of swords are ready to leap from their scabbards to right the wrong; but when it has relation to slave property, not only will you not demand and obtain redress, but you aid, abet, and shield the perpetrators of such wrong among our brethren.

Since the period when Mr. Van Buren obtained compensation for the slaves liberated at Nassau, one or two other vessels have been obliged to stop there, under precisely the same circumstances, and the slaves have been liberated, and the injury has remained unredressed. Are the laws so equally and impartially administered, and the benefits and protection so justly meted out, that unless we are ready to declare that we are for the Union, now, and forever, and under all circumstances, we are to be denounced as factionists?

I solemnly declare that there is no man more devoted to the Union of these States than myself, and I know that great injuries, inconveniences, and unfortunate consequences will necessarily follow to all sections from a separation. I say more, that I do not think there is a man in my State in favor of disunion, as an abstract idea, but that there are things even more to be avoided than disunion, and that any attempt to destroy the institution of slavery in the States directly, or by circumscribing it to limits too narrow, or by keeping us out of all territory south of 36° 30', will as surely, as day succeeds night, bring about that catastrophe; and upon the heads of those who are guilty of such aggression will the sin remain.

When I invoke your aid, under the Constitution, for the protection and return of my slave property, I am not answered, when you tell me that it is a good law that constitutes slavery. A distinguished statesman—perhaps the most distinguished statesman of New England, who, for more than fifty years, filled the highest places in her councils, [Mr. ADAMS]—said, that the Constitution was a pro-slavery instrument, and that it contained some two or three clauses inserted for its perpetuation. And if the people of the South hear statesmen appealing to some higher power beyond and above it, they may well feel alarmed and insecure, and think about disunion.

And this brings me to the remedy proposed. One would have supposed, from the manner the convention proposed to be held at Nashville has been denounced, that such a thing had never taken place before. If a single interest, belonging to some portion of this Union, is supposed to be injuriously affected, or threatened, forthwith conventions are held, resolutions passed, and for weeks and months our tables are flooded with pamphlets, upon the subject of coal, iron, or manufactures, as the case may be. There have been more meetings, and preachings, and resolutions passed, and propositions offered, to secede from the Union, and money spent to get rid of the sin and the property, which is ours, than we shall be able to equal in the next ten years, if we do nothing but agitate this question.

When this convention meets at Nashville, I do not suppose it can, or will even attempt to, dissolve the Union. It cannot be done in a day, or a month, or a year; but—as we have already been told by the great statesman from Carolina—already a number of the cords have been sundered, and the last one may be easily broken. It was the last feather that crushed the camel, and the last drop that made the cup run over; and if you will not look at the truth now, the work may be done before you are aware of it. There will be assembled the delegates from a large majority of the southern States, with every disposition to be calm and conservative; they will have to deliberate and talk about the wrongs and aggressions of which they complain. It matters little whether these aggressions exist in truth or in imagination. If only imaginary, like the disease of the hypochondriac, the mental is worse than the bodily, for "who

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*Since the above remarks were made, the conclusion of Mr. DISNEY's speech has been published in the *Globe*, from which I make the following extract:

"The present Executive has been pledged for the proviso, as against it in the South, but as in favor of it in the North; and my constituents believe, that this was an atrocious fraud; they think its exposure is demanded by the highest interests of the Republic; and they say to me, that though *Congress may have no legal power* to make such a provision an effective law, yet

"Wrest once the *law* to our authority,
To do a great right, do a little wrong,"

And bring these pledges to the test, I feel that they are right, and shall obey."

Comment is unnecessary.

can minister to a mind diseased?" Is it to be supposed, Mr. Chairman, that the meeting of this convention, under these circumstances, will be calculated to allay the irritation under which the southern mind is laboring? I apprehend not. What remains then to be done? Take away all cause for the convention—show some of the patriotism which belonged to the earlier and better days of the Republic—make us feel that we are the descendants of those who shed their blood in a common cause, and for a common benefit. Let the palladium of an American citizen be at least as sure a protection as it was in the palmiest days of the Roman Republic. Let the time come, and always be, when the stars and stripes will protect every American, and his property of every kind and description whatever, upon every foot of soil, won by common blood and treasure, so long as you shall hold it in trust for him. In short, give us at least the guaranties which your fathers gave to mine, when they were equals: a strong but generous majority would give more, and save the Union; a weak but jealous minority could not take less, and preserve their honor.

SPEECH

OF

HON. LUCIUS B. PECK, OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES, APRIL 23, 1850,

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. PECK said:

Mr. CHAIRMAN: We have before us the special message of the President, in which he recommends the admission of California as a State, when she shall present herself for admission. He also advises Congress to establish no territorial governments over that portion of our acquisitions from Mexico which is not included within the limits of California. The first recommendation has my approval, and from the other I dissent.

California now presents herself, with her constitution, and claims admission as a State. This claim is made under the Federal Constitution, which provides that Congress may admit new States, and is enforced by a reference to the provisions of the treaty with Mexico, the ninth article of which stipulates, that those Mexicans who may choose to remain in the ceded territory, "shall be incorporated into the Union of the United States, and be admitted, at the proper time, (to be judged of by the Congress of the United States,) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution," &c. Ought her claim to be rejected? Certainly not; considering the rights of her citizens under the Constitution and treaty, unless for some good and weighty reasons. Her constitution is republican, and no objection is taken to its provisions, unless it be to that portion of it which defines her boundaries. Various objections have been started, the most prominent of which are, 1. That Congress have, by no act, authorized the people to form a State government; 2. That the people who have formed the constitution are adventurers from all parts of the world, of every hue and color, and located there for a mere temporary purpose; 3. That the boundaries, as described in the constitution, are too extensive.

No legislation on the part of Congress is required to confer upon the people of a territory the right to form a State government. It is conceded on all hands that Congress cannot create a State. Where, then, resides the power of forming a State government? With the people, the source of all power in a free government. If this power rests with the people alone, what necessity of the previous assent of Congress to the formation of a State government? It cannot add to, or enlarge a power, which exists independent of all legislation on the part of Congress. From what source is derived this doctrine of the necessity of a previous assent on the part of Congress, now put forth? Certainly not from the Constitution, for that is silent on the subject. It has not even the authority of uniform precedent to support it, for a majority of the States have been admitted without any previous action of Congress. Congress never authorized Vermont, Kentucky, Tennessee, Maine, Arkansas, Michigan, Florida, Texas, or Iowa, to form State governments. The people of those States, in convention, formed their constitutions, and, on application, were admitted into the Union. Why may not California be admitted with equal propriety? Why single her out, and insist upon a rule which was not applied to those other States? If this previous assent is not a constitutional requirement—and it is not even claimed that it is—may it not be waived? May it not be dispensed with on the part of Congress? The gentleman from Mississippi [Mr. FEATHERSTON] stated, in committee, a few days since, that there was no precedent justifying the admission of California; that those States which had been admitted without the previous action of Congress, were not formed from territory acquired from a foreign power. Florida was ceded to this Government by Spain, but it is true she was subjected to a territorial government for some years before her admission. But how does this alter the principle?

It is also insisted that California should be refused admission on account of the character of her population. What evidence have we that all who took part in the formation of her constitution do not intend to remain domiciled there? It is quite possible that all do not. But what portion of them intend to leave? What proportion of the votes should be excluded on this ground? There is the difficulty and injustice of rejecting the application. Similar objections were urged against the admission of Louisiana, but they were not permitted to control the action of Congress. Neither have we any evidence that foreigners were permitted to vote. So far as we have any evidence, it appears that the right of voting was confined to the citizens of the United States, and to those who were entitled to that privilege under the treaty with Mexico.

Similar objections might have been urged in the application of Tennessee and Illinois as they were in the case of Louisiana. On the adoption of the Illinois constitution, all persons of the age of twenty-one years, who had resided six months in the territory, were permitted to vote. Under this regulation, aliens voted. By the constitution of Michigan, foreigners were permitted to vote. In Tennessee, free negroes were admitted to the rights of freemen, and continued to vote at elections until the consti-

tution was changed in 1835. Was this objection ever raised before, except in the case of Louisiana, on the application of a State for admission into the Union? It is believed that no other instance can be found in the history of Congress, where this objection was started. Sir, who is to settle this right of the elective franchise? What have Congress to do with it? It is a matter to be settled by the people of the territory. It is under their sole control.

It is further urged, that the boundaries of the State, as described in the constitution, embrace too much territory. It is believed that Texas contains a greater number of square miles. If her western boundary, as claimed by Texas, be the true one, she is the largest State.

But why not permit the people of the territory to settle this question as they have done? They have the right to form their own organic law, and would it be just to deny them admission into the Union because some of us may entertain the opinion that her limits are too extensive? Michigan, Tennessee, and Iowa fixed their own limits, and Congress admitted them into the Union. Why not yield to California the same right? When you come to consider the topography of the country, the character of the soil, and the nature of the climate, this objection loses much of its force. There is good reason for believing that several of the States have more arable land, and are capable of sustaining a larger population, than California. The country is cut up by mountains and high ridges, and much of that portion of it that is capable of being tilled cannot be made productive for the want of means of irrigation. Who doubts that Pennsylvania can maintain and feed a much larger population than California? The main resources of the latter State will be found in grazing, in commerce, and in her minerals, while she will be dependent, to some extent, upon other nations for her breadstuffs.

It has been said in the course of the debate, that the influence of the Executive was interposed to induce the formation of her constitution. Admitting this to be true, are the people to be refused a State government, their rights forfeited, in consequence of the action of the President, when that action was neither sought nor desired by the people, so far as we have any evidence? But this charge is denied by the friends of the Executive, and I have seen no evidence to satisfy my mind that the charge has any foundation in fact.

Sir, I am apprehsive that there is a provision in this constitution which constitutes the real objection, in the minds of southern gentlemen, to the admission of this State. I allude to that article which excludes slavery. This has not been put forward as an objection. By some it has been expressly disclaimed as such; yet one is constrained to believe, that did the organic law admit the existence of slavery, we should not have found the opposition coming from the quarter it now does. Does any southern gentleman question the right of the people to decide for themselves whether they will tolerate or exclude slavery? When the Missouri question was before Congress, Mr. Pinkney, who denied the power of Congress to control the constitution of a new State, held this language:

"No man can contradict me when I say, that, if you have this power, you may squeeze down a new-born sovereign State to the size of a pigmy, and then taking it between your finger and thumb, stick it into some niche of the Union, and still continue, by way of mockery, to call it a State in the sense of the Constitution. You may waste its shadow, and then introduce it into a society of flesh and blood, an object of scorn and derision. You may sweat and reduce it to a thing of skin and bone, and then place the ominous skeleton beside the ruddy and healthful members of the Union."

So long ago as 1820 this was the principle southern statesmen adopted and urged upon Congress. President Polk, in his message of December, 1848, reiterates the same doctrine. He says:

"Whether Congress shall legislate or not, the people of the acquired territories, when assembled in convention to form State constitutions, will possess the sole and exclusive power to determine for themselves whether slavery shall or shall not exist within their limits. If Congress shall abstain from interfering with the question, the people of those territories will be left free to adjust it as they may think proper when they apply for admission as States into the Union."

Mr. Calhoun, in a speech delivered in the Senate in February, 1849, recognizes the same principle in the most explicit language:

"I hold it to be a fundamental principle of our political system that the people have a right to establish what government they may think proper for themselves; that every State about to become a member of this Union has a right to form its own government as it pleases; and that, in order to be admitted, there is but one qualification, and that is, that the government shall be republican. There is no express provision to that effect, but it results from that important section which guaranties to every State in this Union a republican form of government."

State Democratic conventions held in Georgia in 1847 and 1848, passed resolutions embracing the same doctrine. In January last, the Legislature of Texas, among a series of resolutions, unanimously adopted the following:

"*Resolved*, That it is a fundamental principle in our political creed, that a people in forming a constitution have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness; and that in conformity thereto no other condition is imposed by the Federal Constitution on a State, in order to be admitted into this Union, except that its constitution shall be strictly republican; and that the imposition of any other by Congress would not only be in violation of the Constitution, but in direct conflict with the principle on which our political system rests."

Sir, there is no political question upon which southern statesmen, and the South generally, have better agreed, and to which they are more committed, than upon the right now claimed by the people of California to determine for themselves their own organic law. Never was there a time either, when so pressing a necessity existed for the admission of a State as is now presented in the case of California. We have extended our revenue laws over the territory, thus compelling her citizens to contribute to the support of the General Government; but have neglected to provide any government for their protection. She is almost without the protection of law. The rapid increase of her population and commerce has hardly a parallel in the history of this country. Foreigners are pouring into her valleys in numbers so great as to endanger the rights and safety of our citizens. Her valuable minerals, the property of the people of the Union, are dug from her soil and taken from the country by the foreign adventurer. While every principle of justice, and the best interests of the whole country imperiously demand her immediate admission into the Union, that admission is opposed on the ostensible ground of alleged irregularity and informality in the formation of her Constitution. Sir, it seems to me—and I say it with

all due respect to the opinions of others—that this is not the *forum* nor this the occasion when such objections should be heard; clear it is, in my judgment, that they should not be entertained Questions of national importance, involving high political considerations, should not be controlled by matters of mere form.

Sir, the inhabitants of California, particularly that portion of them who were formerly Mexican citizens, have the strongest possible claim upon this Government for admission into the Union. The faith of the country is, to some extent, pledged to the measure. In the instructions given to General Kearny by the Executive, under date of June 3d, 1846, we find this language:

"Should you conquer and take possession of New Mexico and California, you may assure the people of those provinces, that it is the wish and design of the United States to provide for them a free government, with the least possible delay, similar to that which exists in our territories. They will be then called to exercise the rights of freemen in electing their own representatives to the territorial legislature."

Acting under these instructions, General Kearny, in March, 1847, issued his proclamation to the inhabitants, in which he says:

"It is the wish and intention of the United States, to procure for California, as speedily as possible, a free government, like that of our territories, and they will very soon invite the inhabitants to exercise the rights of free citizens in the choice of their own representatives, who may enact such laws as they may deem best adapted to their own interest and well-being."

In July, 1847, Commodore Sloat, when he landed at Monterey, held the same language in a proclamation which he issued. These assurances were confirmed by Commodore Stockton's proclamation as Governor of California, published in August, 1847. These provinces were conquered, and, by the treaty of peace, ceded to this country. What effect these proclamations had upon the conduct of the inhabitants, it is difficult to determine; but the assurances made by those acting under the authority of the Government have not been carried out. No government has been established. We ought not to lose sight of the obligations imposed upon us by the acts of the authorized agents of the Government, and by the terms of the treaty. By the ninth article of the treaty, Congress, it is true, is to determine the time when they shall be admitted into the Union. The matter is left to the discretion of Congress; but in order to carry out in good faith this stipulation, the discretion to be exercised should be a sound one, one not influenced by caprice, or controlled by formal objections. These Mexican citizens, in conjunction with American citizens who have emigrated from the different States of the Union, now claim to be admitted. Considering all the circumstances of the case—the population of the territory and its character, the extent of her commerce, and the necessity of some regularly organized government, can any one seriously doubt that it is the duty of Congress, in the proper exercise of its discretion, to admit her as a State? Sir, it will be recollected that the treaty with the French Republic, by which we acquired Louisiana, contained a stipulation very similar in its terms to the ninth article of the Mexican treaty. It will also be remembered, that when Louisiana applied for admission, the application met with serious opposition from northern statesmen, on constitutional grounds—they insisting that Congress had no power, under the Constitution, to acquire foreign territory and admit it as a State. The question was much discussed, and Mr. Poindexter, the delegate from the then territory of Mississippi, after replying at great length to the various arguments urged against her admission, and referring to the third article of the treaty, put an inquiry which is not inappropriate to the present case: "And are we here sitting to deliberate whether we will perform the solemn engagements which have been entered into by the constituted authorities, and which are presented to us in the imposing attitude of the supreme law of the land?" Sir, what satisfactory response could we make, on the present occasion, to a similar inquiry? None, in my judgment. France was then all powerful, and could enforce the due observance of any treaty stipulation with a foreign power. This Mexico cannot do; but this fact does not lessen our obligations.

Some gentlemen on this floor have expressd a determination to go for the admission of California, *provided* they can be assured that proper legislation shall be adopted with regard to the residue of the acquired territory. That is to say, if Congress will establish territorial governments for that territory and not exclude slavery, they will yield their assent to her admission. Now, sir, let me inquire what connection have these questions? Are they not entirely independent of each other? Shall the people of California be deprived of their rights—denied admission into the Union—because Congress may not pass such laws for another people as gentlemen think ought to be passed? Is this any more or less than saying to an individual, sir, I will not deal justly with you unless A deals justly by B? This is a novel principle to be applied to matters of legislation.

Sir, I have already said that I believe the real objection to the admission of California is found in that provision of her constitution which excludes slavery. This opinion is based, in part, upon declarations made on this floor, and upon the report made by a committee of the Legislature of Georgia, during the past winter, in which the admission of California, with her present constitution and limits, is regarded as objectionable as the adoption of the Wilmot proviso; and either seems to be treated as a sufficient reason for secession from the Union. When we consider that no constitutional question is involved in the act of admission, and that the right of the people of a territory to form their own constitution, has been heretofore universally conceded by the South, the position now assumed must strike every one with surprise. On this point I desire to call the attention of the committee to the debate in 1811, on the bill to permit Louisania to form a State government, and particularly to the speech of Mr. Poindexter, of Mississippi, in reply to Mr. Quincy, of Massachusetts. The latter gentleman was most violent in his opposition to the bill, and in the course of his speech, said:

"It was his deliberate opinion that, if the bill passes, the bonds of this Union are virtually dissolved; that the States which compose it are free from their moral obligations, and that as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation—amicably if they can, violently if they must."

Mr. Poindexter thus rebuked him:

"Mr. Speaker, I enter with lively sensibility on that portion of the remarks made by the honorable gentleman from Massachusetts, which menace insurrection and dissolution

of the Union. Had these sentiments fallen from the gentleman in the ardor of debate, while the imagination was inflamed with an unconquerable zeal to prove the impolicy of the measure under consideration, or had they been offered in the shape of possible results, I should have regarded them only with pity and contempt. Influenced by a desire to stamp on these expressions their merited disgrace, and to preserve dignity and decorum in our deliberations, I felt it my duty to call the gentleman to order. * * * * I am still impressed with a conviction that these sacred walls—the sanctuary of the liberties of the American people—ought not to be polluted by direct invitations to rebellion against the Government of which we are a constituent part.

"The notorious conspiracy of Aaron Burr had for its basis the detestable project of dismembering the Union. * * * And yet that man did not dare go the lengths which the gentleman from Massachusetts has been permitted to go within these walls. Did Aaron Burr, in all the ramifications of his treasonable projects, ever declare to an assembly of citizens, 'that the States were free from their moral obligations? and that as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation—peaceably if they can, violently if they must?' No, sir. Had such expressions been established by the evidence on his trial, I hazard an opinion that it would have produced a very different result. Perhaps, sir, instead of exile, he would have been consigned to a gibbet; for it cannot be concealed that the language of the gentleman from Massachusetts, if accompanied by an overt act, to carry the threat into execution, would amount to treason, according to its literal and technical definition in the Constitution and laws of the United States. The fate of Aaron Burr ought to be a salutary warning against treasonable machinations—and if others having the same views do not share a similar fate, it will not be because they do not deserve it."

Such, sir, was the strong and emphatic language of merited rebuke which fell from the patriotic lips of Mississippi's representative in 1811. Then a northern member menaced insurrection and dissolution, if a southern State, in which slavery was recognized, was admitted into the Union. Slavery, however, was not the ground upon which the opposition was based. The admission was resisted on the alleged want of constitutional power in Congress to admit her. The legal right to admit California is not now questioned, but the objection to her admission is placed on other grounds falling far short of the important objection taken to the admission of Louisiana. In the one case, the opposition rested upon high constitutional grounds; in the other, upon a question of mere expediency—upon alleged informalities. And yet, sir, language which in 1811 was regarded by the South as "pollution" in this Hall, and as an "invitation to rebellion," is substantially the language of a portion of the South in 1850. Sir, a distinguished gentleman from the South, [Mr. BROWN, of Mississippi,] during the present session, said upon this floor, "My own opinion is this, that we 'should resist the introduction of California as a 'State, *and resist it successfully;* resist it by our votes 'first, *and lastly by other means. We can, at least, 'force an adjournment of Congress without her admis-'sion.*" Sir, I do not stop to comment on this language, or to inquire what is meant by "other means." Every one must draw his own conclusions. Among other things, it may be well to remember that the recommendation for the admission of California, is not an *aggression* on the part of the North. It is a measure proposed by a southern President, the favorite candidate of the South, acting under the advice of a Cabinet composed of a majority of southern men. Sir, I do not go for this measure because it has the recommendation of the Executive; but I support it for the reason that, in my judgment, our obligations to the people of California, their interests and that of the whole Union, imperiously demand its adoption.

I now proceed to a consideration of the recommendation of the President, that no territorial governments be formed. I cannot bring my mind to adopt this recommendation. I must oppose it for the same reason that I approve the recommendation for the admission of California. I have already referred to the proclamations of the officers of this Government to the people of California. They were also addressed to the people of New Mexico. These proclamations contained the strongest assurances that territorial governments should be established. The ninth article of the treaty stipulates, that until States are formed out of the territory and admitted into the Union, the people "shall be maintained and protected in the free enjoyment of their liberty and property." How can this be effectually done without creating territorial governments? The situation of these citizens, and our obligations to them, demand at our hands the establishment of some form of government for their protection and security. It is not sound policy to turn a deaf ear to their demands. But my objection to this recommendation does not rest here. I do not believe that a postponement of the action of Congress on this subject is either wise or expedient in any point of view. Sir, I am not of that number, if there are any such, who have anything to gain by keeping open this slavery question, which is intimately connected with the territorial question. I desire to see it settled, and settled, too, in accordance with what I believe to be the wishes of three-fourths of the people of the Union, by excluding slavery from the territories. The best interests of the country, the quiet and peace of the people, demand its adjustment at the earliest possible moment. The longer it remains an open question, the more excited will become the public mind both North and South. Delay will only augment sectional prejudice and embitter public feeling. The sooner a controversy between individuals or between communities is settled, the better for all parties. All experience proves this to be true. Permit this to remain an open question, and it becomes a controlling element in the next presidential election. That election will then assume a sectional character. The contest will be one of the bitterest and most exciting character, in which one part of the Union will be arrayed against the other. Sir, who desires to witness such a condition of things? The last election, if not controlled, was much influenced by this very element. At the South, the successful candidate was supported upon the ground that he was a southern man, and would support southern views and southern institutions; and by observing a studied silence upon the great question of the day, the North was induced to yield him their support, because they were told he was in favor of the ordinance of 1787. This was denied a few days since by the gentleman from Pennsylvania, [Mr. CHANDLER,] who insisted that General Taylor's support at the North, so far as related to the slavery question, was put upon the gound that he would not veto a bill prohibiting the extension of slavery to our territories. This view of the subject has been since reiterated on the same side of this Chamber. Now, sir, those of us who reside further north know very well that these gentlemen are mistaken. In the Boston Atlas of June 9,

1848, the leading Whig paper of New England, under the editorial head, we find this significant language:

"Let them learn, [those Whigs who were opposed to General Taylor's election,] as they will learn, if they will not be deaf and blind to the truth—that General Taylor is a Whig in principle—is in favor of peace—opposed to all war—*believes slavery to be a curse to the country, and desires its extermination; and is opposed to the further extension of slave territory.*"

This was the language held, and these the assurances given to the electors of New England. Different language, we all have reason to know, was held in the South. Neglect to settle this territorial question, and no candidate will be supported at the next election for President, whose opinions upon the slavery question are not known and understood. A public declaration of those opinions will be demanded in every quarter of the Union. The people will not submit to be placed in a position where one portion of the community must be deceived. But how shall this question be settled? There is the difficulty, (it is not one with me,)—and for this reason, I suppose, we are advised by the Executive to pass no territorial bill. I will not charge the Administration with entertaining a desire to keep this question open for partisan purposes, as I do not know that the charge would be true. I am unwilling to believe that any public man, occupying an exalted station, would permit so unworthy a motive to control his action. Yet, sir, it is somewhat singular, that upon a question which has greatly agitated the public mind for the last two years, and which threatens, in the opinion of many, to disturb the peace and harmony of the Union, the President has not thought proper to indicate his views—to say whether he was for or against the extension of slavery—whether for or against the ordinance of 1787.

But what is the doctrine recommended by this Administration upon the subject of slavery as applicable to our territories? A policy repudiated by the last Congress—that of non-intervention, by non-action—a "masterly inactivity." It is to give the people of our territories no government—to insist upon their remaining in their unorganized condition, without any settled rules of law for their government and protection, until they shall form State governments—inhibiting or tolerating slavery as they shall determine—and then admit them into the Union as States. Sir, previous to the last Presidential election, General Cass adopted and put forth, in principle, the same platform. He insisted that this matter should be left to the sole determination of the people of the territories—that Congress had no control of the question. For this he was denounced by the Whig press of the North and West as being an ally of the South—that his doctrine, if adopted, would spread slavery over all our territories—that it was, in fact, the doctrine of the South. Now the same position is assumed by the Administration—but whether on the ground taken by General Cass, that Congress has not the constitutional right to legislate on the subject, or upon the ground that it is impolitic to legislate, we are not informed. What is the difference between the positions thus assumed, in their results? None at all. General Cass says we should not legislate upon the question of slavery, as we have no power to do it, but that it should be left to the people to regulate. The Administration say, establish no territorial governments—leave it to the people to form their own constitutions, and then admit them as States, with or without slavery, as they may elect. Is there any distinction to be made between non-intervention and non-action? None whatever. How can the Administration be approved for what was condemned in General Cass? But it is now said by one who occupies a distinguished place in Whig councils, [Mr. WEBSTER,] that the ordinance of 1787 should not be applied to our territories—that it is wholly unnecessary—that the "physical geography" of the country effectually excludes slavery. Sir, this was not the opinion of the last Congress—of the northern wing of the Whig party in and out of Congress. Mr. Clayton's compromise bill, as it was termed was formed on the basis of non-intervention. It proposed to establish territorial governments over California and New Mexico, without affirming or prohibiting the existence of slavery, and leaving the right of taking slaves into those territories to be determined by the judiciary. This was denounced by the Whig press of the North, and opposed by northern Whigs in Congress, on the ground of its non-intervention feature. Then we had Mr. Walker's amendment to the appropriation bill, which was opposed and defeated for the same reason. Sir, did time permit, I should like to read some extracts from Whig speeches, and from editorial articles in the Whig papers of the North, in which the non-intervention principle of those bills was condemned in the strongest language. Why, sir, the distinguished Senator from my own State, [Mr. PHELPS,] who supported Mr. Clayton's bill in a speech of great power, and upon the very ground now taken by Mr. WEBSTER, was censured for his course by a very large majority of his own party in that State. In speaking of this measure, the Atlas, of July 26, 1848, says:

"The best place to put such bills is on the table. Chloroform them."

The correspondent of this paper writes to the editors, under date of July 29, 1848, in relation to this bill and the vote to lay it on the table, saying:

"There is great exultation over the fact, that while every southern Democrat voted against the motion, twenty-one northern Democrats voted with them. Williams and Clark, of Maine, Birdsall, of New York, and nineteen other 'northern men with southern principles,' thus virtually expressed a desire to entail slavery in four great territories, in common with other friends of General Cass."

This, it will be remembered, was previous to the presidential election. Now it is passed—our Whig friends are in power—and now they go for the very measure, in its results, which they condemned in 1848. So much for their policy and consistency.

Sir, I desire to say that I go for establishing territorial governments, with the ordinance of 1787 ingrafted thereon. In doing this, I believe I am carrying out the wishes of nine-tenths of those whom I have the honor to represent on this floor.

I go for this measure, as I believe the interest of the whole country calls for its adoption, and that Congress have the constitutional power to pass it; that its adoption neither degrades the South, nor compromits its honor. I go for it, as I doubt whether the "physical geography" of the country will exclude slavery. Slavery was tolerated in these territories while under the dominion of Spain, and by the Mexican Government until 1824, when it was abolished. The character

of New Mexico is not unlike that of California, and if the climate and the character of the soil of the latter will exclude slavery, so it will in the former. Yet the convention that formed the constitution of California, by a unanimous vote, inserted a prohibition of slavery, not choosing to rely upon "physical geography" to exclude it. There is, unquestionably, great mineral wealth in New Mexico, and who can doubt that slave labor will be found profitable in mining operations? And wherever profitable, there it will go, if permitted.

But the power of Congress to inhibit the extension of slavery to these territories, is denied; and the passage of any law of this character is to be regarded by the South as a sufficient cause for a secession from the Union. I do not propose to discuss the question of power. As much as is profitable has, perhaps, already been said upon this subject. But it would seem that the exercise of this power by Congress, through a long series of years, should remove all serious doubts. Not that the exercise of a power which it is clear does not exist, will legalize and justify a continued exercise of that power, but when the question is one of doubt, the practice of the Government for a great number of years, without objection, should settle all controversy. Hardly a territorial government has been formed in which the action of the National Legislature has not borne upon this subject. The Constitution provides that Congress shall not prohibit the importation of slaves into the States prior to the year 1808. Yet, by an act passed in 1798, Congress did prohibit the importation of slaves into the territory of Mississippi. In the act establishing a territorial government for Louisiana, passed in 1804, is found this provision:

"And no slave or slaves shall, directly or indirectly, be introduced into said territory, except by a citizen of the United States, removing into said territory for actual settlement, and being at the time of such removal the *bona fide* owner of such slave or slaves; and every slave imported or brought into the said territory, contrary to the provisions of this act, shall thereupon be entitled to, and receive his or her freedom."

This act was passed during the administration of Mr. Jefferson, and received his assent. Both of these acts, which were passed soon after the formation of the Federal Constitution, and while many of the members of the convention were in Congress, or connected with the Government, assert the right to prohibit the importation of slaves into the territories of the Union from abroad. The act of 1804 goes further, and prohibits their introduction into Louisiana from any part of the United States, except in certain and specified cases. It permitted any citizen of the United States to take his slaves into that territory, if he removed there for the purpose of settlement, but in no other case was it permitted. It denied to the citizens of a slaveholding State the right to send or take their slaves into that territory for sale, while the citizens of the free States were permitted to send there for sale, every species of property recognized as such by the laws of those States. This act thus discriminated in favor of the people of the free States, and yet it does not appear to have been objectionable to the South. Now, the same discriminating principle of the proviso is regarded as peculiarly offensive to that portion of the Union. This act, too, asserts the very principle claimed by those who are in favor of the application of the ordinance of 1787—the right of Congress to exclude slavery from our territories. If Congress in 1804 had the constitutional right to limit, or in any way interfere with the introduction of slaves into our then territories, Congress then had, and now has, the right to prohibit their introduction *in toto*. This power has been since frequently exercised. This is not denied; but it is now claimed that all this legislation was a mere usurpation of power. Suppose this to be true; can the South be seriously affected by any subsequent legislation of a similar character? Most certainly not. An act which Congress has no constitutional power to pass has no validity; it is a dead letter, binds no one, affects the rights of no one.

But suppose a law prohibiting slavery in the territories should be passed? Would this justify a secession from the Union?—a breaking up of the Government? If the views of southern gentlemen were rightly understood, some of them, at least, claim this right of secession under the Constitution—that they are not bound to await the decision of the Supreme Court of the United States, or if one is made adverse to their views, they may disregard it. Can it be possible that this is the honest opinion of sober, rightminded men—of Statesmen! If this be a fair and correct exposition of the Constitution, it is indeed a "rope of sand." The framers of that instrument foresaw that cases might arise where individuals and States would question the power of Congress, and they wisely provided for this very difficulty by the creation of a national judiciary. The second section of the third article declares that "the judicial power shall extend to all cases in law and equity, arising under this *Constitution*, the laws of the United States," &c. By this provision the constitutionality of a law of Congress is to be determined by the Supreme Court. That is the tribunal to which the validity of a legislative act is to be referred, by the express terms of the Constitution; and the decision must be obligatory upon all. If the judgment is not to conclude all parties—States as well as individuals—if any one is at liberty to disregard it and treat it as a nullity, the insertion of that article in the Constitution was a useless act. The people of the several States, when they adopted the Constitution, adopted each and all of its provisions. They agreed to live under it, to be bound by it, to adhere to it in peace and in war. It is, then, part of the bond that they would submit to the judgment of the national judiciary on all constitutional questions. If this provision can be disregarded, each State is thus left to determine for itself the validity of every act of Congress; and whether she will submit to its authority. In short, she may nullify or yield her assent to the act according to her sovereign will and pleasure. This doctrine destroys the harmony and force of our Government. It treats the Constitution as mere waste paper. The right to nullify an act of Congress, to disregard the judgment of the judiciary in a given case, is not conferred by the Constitution. It is a remedy *without* the Constitution, not contemplated nor justified by it. The principle is revolutionary in its character. The great name of Madison has been invoked in support of the doctrine. The Virginia resolutions of 1798–9 have been referred to for the same purpose. In August, 1830, Mr. Madison in a letter

addressed to the editor of the North American Review, repudiates the doctrine, and denies that it is countenanced or justified by those resolutions. He says:

"Between these different constitutional governments—the one operating in all the States, the others operating separately in each, with the aggregate powers of government divided between them—it could not escape attention that controversies would arise concerning the boundaries of jurisdiction, and that some provision ought to be made for such occurrences. A political system that does not provide for a peaceable and authoritative termination of occurring controversies, would not be more than the shadow of a government—the object and end of a real government being the substitution of law and order for uncertainty, confusion, and violence. That to have left a final decision in such cases to each of the States, then thirteen, and already twenty-four, could not fail to make the Constitution and laws of the United States different in different States was obvious; and not less obvious that this diversity of independent decisions must altogether distract the Government of the Union, and speedily put an end to the Union itself."

Throughout the whole article Mr. Madison argues that the national judiciary was created for the very purpose of settling those controversies which might arise between the General Government and any of the States as to the constitutional rights and powers of either. If the existing provisions of the Constitution should not be found sufficient to protect the States against usurpations on the part of the General Government, the only remedy within the province of the Constitution, in his judgment, was in an amendment of the Constitution. "And in the event of a failure of every 'constitutional resort, and an accumulation of 'usurpations and abuses, rendering passive obe-'dience and non-resistance a greater evil than re-'sistance and revolution, there can remain but 'one resort, the last of all"—an appeal to the law of self-preservation. In such extremity, "but in 'that only, would a single member of the Union 'have a right, *as an extra and ultra-constitutional* '*right*, to make the appeal."

With regard to the resolutions of 1798–9, he says:

"In favor of the nullifying claim for the States individually, it appears that the proceedings of the Legislature of Virginia, in 1798 and 1799, against the alien and sedition acts, are much dwelt upon."

"It may often happen, as experience proves, that erroneous constructions not anticipated, may not be sufficiently guarded against in the language used; and it is due to the distinguished individuals, who have misconceived the intention of those proceedings, to suppose that the meaning of the Legislature, though well comprehended at the time, may not now be obvious to those unacquainted with the contemporary indications and impressions.

"That the Legislature could not have intended to sanction such a doctrine is to be inferred from the debates in the House of Delegates, and from the address of the two Houses to their constituents, on the subject of the resolutions. The tenor of the debates, which were ably conducted, and are understood to have been revised for the press by most, if not all, of the speakers, discloses no reference whatever to a constitutional right in an individual State, to arrest by force the operation of a law of the United States." * * * "Nothing is said (in the address) that can be understood to look to means of maintaining the rights of the States, beyond the regular ones, within the powers of the Constitution."

No man was more intimately connected with, or better understood, the import and scope of these resolutions, than Mr. Madison. He denies that they favor the doctrine of nullification, and treats the secession of a State as revolutionary in its character. Those, then, who contemplate forcible opposition to an act of Congress excluding slavery from the territories, or counsel secession, advise measures unknown to the Constitution, and look to revolution. Whether a measure of this kind will probably succeed, if attempted to be carried out—the position in which it will place its friends with the American people and in the judgment of the world and of posterity, every one must determine for himself.

Our southern friends insist that the people of the free States have no interest in this slavery question—that with them, it is a mere matter of feeling—while with the South, it is a matter of interest. The North does not regard the subject in this light. The laboring man of the North will not emigrate to slave territory. He believes that labor by the side of the slave is degrading—that slavery weakens the power of every Government which tolerates it. Most all the emigrants from Europe locate in free States. Why do they not go south? They are restrained by the same reasons that operate on the citizens of the free States. Have we, then, no *interest* in this question? And are the people of the North mistaken in their opinions as to the effect of slavery? If so, the error of that opinion must be charged upon some of the most eminent statesmen of the South who, have frequently expressed the same opinion. They spoke from their personal knowledge as to the character and effect of slavery. On the proposition made in the Federal Convention to prohibit the importation of slaves, Colonel Mason, of Virginia, said:

"The present question concerns not the importing States alone, but the whole Union. The evil of holding slaves was experienced during the late war. Had slaves been treated as they might have been by the enemy, they would have proved dangerous instruments in their hands." * * * "Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the emigration of whites, who really enrich and strengthen a country."

Similar opinions of the effects of slavery have been often expressed by southern statesmen—by Washington, Jefferson, Madison, and Clay. No stronger language condemnatory of slavery can be found, than in the debates of the Convention in Virginia, in 1832. During the war of the Revolution, South Carolina, not having furnished her quota of troops, assigned as a reason for the omission, that they were required to protect themselves from their slaves. I refer to this subject in no spirit of reproach or unkindness, but in justification of the opinion of the North. In view of all these opinions and facts, can it be matter of surprise to southern gentlemen that the people of the free States are opposed to the extension of slavery? Can they be justly censured for their opinions as to its effect upon the prosperity of the country? Can it be said with truth that they have no *interest* in this question? They do, in fact, regard the extension of slavery as opposed to the best interests and the welfare of the country; and hence their great objection to its further extension.

Sir, the people of the free States have ever insisted, and still claim, that these great questions should be settled by a majority of the Representatives of the whole people; and if they involve any constitutional questions, that they should be determined by the judicial tribunal created for that express purpose. To the determination of questions thus made, they bow in obedience, whether favorable or adverse to their views. The right of the majority to rule is a *civil*, not a natural right. It is a right growing out of the organization of society, and recognized as such by the federal

compact. This right has been conceded to the majority by the people of the Union, by the adoption of the Constitution; it is *the* principle on which the Constitution is based; and when the action of Congress is confined to matters over which Congress has jurisdiction, the minority have no just ground of complaint. If Congress exceeds its constitutional powers, a corrective is found in the national Judiciary, or a repeal of the law may be effected by the action of the people.

Let us go back now, and see what has been the legislation of this country, and how it has affected the interests of the North and the South, and how the different sections of the Union have acted under it. In 1807 almost the entire capital of the eastern States was employed in foreign and domestic commerce. At that period but little attention had been given to manufacturing. All classes participated in the successful prosecution of the business operations of the country. In the midst of this prosperity, and hardly "with a note of warning," there came a blight on all their hopes in the form of the embargo. This act prostrated the whole business of the country, and beggared thousands. Ships rotted before the eyes of their owners, and men were forced to sit still and see their property melting away like snow under a vernal sun. For this there was no remedy. It was the effect of an act of Congress, passed for wise purposes—for the benefit of the whole country—and passed, too, by an almost unanimous vote of the southern delegation in Congress. Did the eastern States threaten a dissolution of the Union? Some individuals did, which, subsequently, they had cause to regret; but a great majority of the people thought of no such remedy, talked of no such remedy, though the act was more oppressive in its operation than any other law ever passed by Congress. The Legislatures of Massachusetts and Connecticut declared by resolutions that the act was unconstitutional. Petitions were presented to Congress representing the suffering which the act occasioned, and asking for its repeal. What was the reply to those petitions? A supplemental act, passed in 1809, more stringent and oppressive than the first. The only remedy left, under the Constitution, was resorted to. The power of Congress to impose the restrictions was brought before the Judiciary, and on the decision of the Supreme Court of the United States, sustaining the acts, there was an end of the matter. On the final repeal of the non-intercourse laws, the capital of the East was again embarked in commerce. In 1816 a tariff, protective in its character, and supported by the late distinguished statesman of South Carolina, and by the South generally, was passed. This law operated to check, to some extent, importations, and rendered capital employed in commerce less productive. The North, entertaining the belief that the Government would adhere to the policy of the act of 1816, turned their attention to, and embarked in the hazardous experiment of manufacturing. This became a lucrative business, when controlled by prudence and skill. It was but a few years before southern gentlemen began to denounce the protective policy, though it originated with them, and the opposition to it became so ardent that at one time it threatened to lead to a civil war. Southern views and feelings, however, were at length yielded to. The tariff acts were modified, and the South relieved from a system which they regarded as oppressive. This is not a fitting occasion to enter into a consideration of the propriety and expediency of this change in our tariff system. I do not desire to express any opinion upon that subject at this time. Reference has been made to the subject for the purpose of showing that the legislation of Congress has been in accordance with, rather than adverse to, the views of the South. Instead of there being any just grounds of complaint on the part of our southern friends, that the action of Congress and of the Representatives from the free States, has been in opposition to their rights and feelings, the whole history of the Government shows that the North have invariably yielded to the demands of the South. These concessions have been made from a spirit of conciliation, of forbearance—from a desire to live in peace and harmony with our southern brethren—thus furnishing the strongest possible evidence of attachment to the Constitution, to the Union. Will our southern friends insist that we must yield to their views on all occasions, or they will separate from us? They can hardly expect we shall do so on every occasion, and for one, I am not disposed to on the present.

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SPEECH

OF

HON. JOHN S. PHELPS, OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES, JUNE 8, 1850,

The House being in Committee of the Whole on the state of the Union, on the President's Message transmitting the constitution of California.

Mr. PHELPS said:

Mr. CHAIRMAN: It would have been gratifying to me, sir, to have been so fortunate as to have obtained the floor at an earlier day, in order to have expressed the opinions I entertain upon the subject under discussion. Although I am not vain enough to suppose that anything I shall say will change the opinions or the course of conduct of any member of this committee, yet I desire to express to the committee and to the country, and especially to my constituents—to those whom I have the honor to represent on this floor, and to whom I am responsible—the opinions which I entertain in relation to the question under consideration, and other questions connected with it. It is with this view, Mr. Chairman, that I have, at this time, obtained the floor.

The war with Mexico resulted, as was expected by everybody, in the acquisition of territory, vast in extent and ample in resources, sufficient of itself to form a republic containing a greater area of square miles than many kingdoms of Europe, having an extent on the Pacific coast of more than nine hundred miles, and containing an area of more than *five hundred thousand square miles.*

Whilst gentlemen here have been extolling the prowess and valor of the troops furnished by their respective States for the Mexican war, displayed on the battle-fields of Mexico, we seem to have lost sight of the fact, that the territory we have acquired from Mexico was conquered, and the people inhabiting it were subdued, by the volunteers and emigrants from Missouri aided by a few regulars. A tributary of the Sacramento was called Rio los Americanos—the river of the Americans—in consequence of the number of American emigrants residing on it, the most of whom had emigrated from Missouri. In 1846, before the people of California were aware that war existed between this country and Mexico, the American settlers had conquered Upper California. Colonel Frémont, with his exploring party, which had been raised in Missouri, was at this time in Upper California. The Mexican authorities had attempted to drive him and his party from the country. He was invited to command the forces of the insurgents. He accepted it. In a few days the conquest of Upper California was accomplished. The stars and the stripes supplanted the Mexican flag. Missouri would not pluck one leaf from the chaplets of laurel which grace the brows of her sister States, but she justly claims the honor of subjugating the territory we have acquired from Mexico. Her sons were not called upon to participate in all of the most brilliant achievements of the late war, but their deeds are memorable, lasting, and enduring. Many of her sons have settled on this territory. The emigration of last year from Missouri was estimated at six thousand, and the emigration of this year has been estimated at from sixteen to twenty thousand. The people of Missouri, therefore, feel a deep interest—deeper than those of any member of this Confederacy, in the question of the admission of California into the Union.

Although more than two years have elapsed since we acquired this territory, yet we have scarcely done anything for the protection of the people who are settled there. Several attempts have been made to establish territorial or State governments over these territories, but all these efforts have failed. At the same session of Congress at which the treaty of Guadalupe Hidalgo was ratified, an attempt was made to establish a territorial government for California, New Mexico, and Oregon. This bill is known as the Clayton compromise bill. It passed the Senate, was sent to this House, and was here defeated—it was laid upon the table. At the next and the last session of Congress, an effort was made to establish a territorial governments over the territories. The proposition subsequently took another form, that of the establishment of State governments for the territories, and their admission into the Union as States, without going through the preparatory stage of a territorial condition with territorial governments. All these propositions failed. What, then, let me ask you, have we done for these territories, for New Mexico and California? It is but a few days since we increased the rank and file of the army, for the purpose of protecting our citizens residing on the frontier, and the inhabitants of the territories from the incursions and ravages of the Indians, and of protecting the overland emigration to our territories on the Pacific. This overland emigration is this year estimated at more than fifty thousand souls. What else have you done? You have established a few post routes, and provided for the extension of your revenue laws in California.

You have also provided that for an infraction of those revenue laws, the offender shall be tried—not where the offence was committed—not by a jury of the vicinage—but, that he shall be carried to the Territory of Oregon, to be tried by the supreme court of that Territory, or that this trial shall be had in the district court of the State of Louisiana. You "tax them without their consent," and you provide for their transportation, not "beyond seas," but over seas, to be tried for alleged offences. You inflict on the people of California two of the wrongs of which our forefathers complained against Great Britain, and which contributed to the Declaration of our Independence of the mother

country. The people of California and New Mexico have not a voice in the Legislature of our country. You have denied them the right to have a delegate on the floor of this House, to make known their wants and express their wishes.

The discovery of the gold mines shortly after the acquisition of these territories, drew to them a large number of persons from the United States; it turned the tide of emigration exclusively in that direction. No country has ever before increased so rapidly in population. There was at the time of its acquisition, a scattered population of about thirteen thousand inhabiting California. We now find that she has a population of upwards of one hundred thousand; and this immense population was left by Congress without the protection of law. The opinion was prevalent in this Hall at the last session, that if Congress adjourned without providing for the government of the people of California, the inhabitants of that country would be left to the merciless protection of the bowie-knife and revolver. The Mexican laws were attempted to be enforced, but our countrymen were unwilling to submit to them. This being their condition, it is not at all surprising they should attempt to provide laws for themselves. For this purpose, in the months of December, 1848, and January, 1849, meetings of the inhabitants, numerously attended, were held in the districts of San José, San Francisco, Monterey, Sonoma, and Sacramento City, at which resolutions were passed in favor of forming a provisional territorial government, "to be put into immediate operation, and to remain in force until Congress should discharge its duty and supersede it by a regular territorial organization."

The resolutions passed at one of these meetings recommended the convention should assemble in the month of January; those passed by another recommended the month of March. The inhabitants of some of the districts held no meetings. Subsequently, the month of May was designated as the time for the convention to meet. Twelve of the delegates elected to the convention to be held in May, met at San Francisco in March, 1849, and recommended that "new elections should 'be held in the several districts for delegates to 'meet in convention at Monterey, on the first 'Monday in August next;" and that those delegates "should be vested with full power to frame a State constitution, to be submitted to the people of California;" and further stating their belief that the circumstances and wants of the country were such "as to require the immediate formation 'of a State constitution, and entitle us to a right 'to be admitted into the Union of sovereign 'States, which, we trust, will ever be distinct, as 'the billows; but one, as the ocean." There is no doubt that this was then the prevailing sentiment of the people of the territory.

On the last of May, intelligence reached California that Congress had adjourned without providing a government for them. The desire of establishing a State government increased—it became almost universal. The legislative assembly of the district of San Francisco put forth an address to the people of California early in June, 1849, recommending a general convention for the purpose of organizing a government for the whole territory of California, such "*conditional* or *temporary* State government to be put into operation at the earliest practicable moment" after "its ratification by the people," and "to become a *permanent* State government when admitted into the Union." This recommendation met with universal approval.

General Riley, who had arrived there in the month of April, and had taken command of the troops stationed on the Pacific coast, and who had usurped the duties of civil governor of California, issued his proclamation recommending the election of delegates to a convention to be held at Monterey in September, for the purpose of forming a State government. The convention assembled at Monterey, and adopted a State constitution.

The plan of adopting a State government originated with the people of California themselves. It is the result not of Executive dictation and influence, but a result of republican principles—of the great American principle of self-government.

I am aware that some of my political friends have taken occasion to censure and condemn the course of the Administration. They have charged upon the Administration that by its influence in California, the people of that territory have been induced to adopt a State constitution, and demand admission into the Union. I am no defender of this Administration. It came into power without my aid, and against my exertions and wishes. That this Administration hoped—nay prayed the people of California would pursue the course they have done, I freely admit. Nay more; that it had the desire to induce the people of California to adopt a State constitution—to influence and hasten them in such a movement.

Before General Riley reached California, the adoption of a constitution and the establishment of a State government were foregone conclusions. The State of California is not the offspring—the child of this Administration. The Administration is too impotent to beget such a child. Such a vigorous child could only spring from public sentiment. The State of California, as did Minerva from Jupiter's brain, sprang forth from the brain of public sentiment, a full-grown person, clad in the same habiliments and entitled to the same rights as their elder sisters. This Administration is too imbecile even to have performed the part of Vulcan in bringing this youngest sister into the Confederacy.

To show what was the feeling of the people of California, I will read from the memorial of the Senators and Representatives elect of that State. They say:

"It was not from any desire to establish a State government in opposition to, or regardless of, the wishes and rights of the people of the United States, that the people of California pursued this course. No improper motives, no ambitious impulses, no Executive influence, prompted their action. They believed that their brethren on the Atlantic appreciated their sufferings, admitted their patriotism, and would hail their action with joy. They thought that the Congress of the United States would instantly open its doors to their delegated Representatives and that the State would be immediately and gladly admitted. To this impression the tone of the public press, the dispatches of executive officers, and the speeches of distinguished statesmen in Congress, had contributed in a very great degree; and as nothing of a contrary character had ever reached the Pacific shores, it is not surprising that the sentiment became a general one. The daily arriving emigration added their corroborated evidence to the already general belief; and it finally came to be credited that the great public of the Atlantic States were as ardently and unanimously in favor of the admission of California as were her own citizens. They did not anticipate delay, and consequently could not perceive or guard against a contingency arising from such a state of things. They believed their action to be eminently right and necessary, and that it would be sanctioned by the approving voice of the American people."

I now advert to the course pursued in Congress

towards California, and more particularly to the course pursued at its last session. And first I speak of the course pursued by this House, at the time when a bill was proposed here by a gentleman from Virginia, (Mr. Preston,) and now Secretary of the Navy. That bill proposed to admit all the territory of California into the Union as a State. A gentleman from Alabama [Mr. HILLIARD] gave notice of his intention to ask leave to introduce a bill providing for the admission of the State of California into the Union, and subsequently asked such leave, but the bill was not introduced. At that time, in this very Hall, when a measure for admitting California into the Union as a State was proposed, it was advocated by southern gentlemen.

What was the course pursued in the Senate? As early as December, 1848, a bill was introduced by Mr. DOUGLAS, Senator from Illinois, which provided for the admission of all the territory acquired from Mexico by the treaty of peace into the Union as a State, but, in the opinion of the Committee on the Judiciary, it actually created the State. That bill was referred to the Committee on the Judiciary, and that committee reported adversely to the bill. In their report the committee declare:

"The power conferred by the Constitution is to *admit* new *States*, not to *create* them. According to the theory of our Government, the creation of a State is an act of popular sovereignty, not of ordinary legislation. It is by the will of the people of whom the State is composed, assembled in convention, that it is created. Congress may provide for the assembling of a convention, but it is the will of the people, expressed in that convention, which alone creates the State; and until that is done, the power conferred by the Constitution on Congress 'to *admit* new *States*' into the Union, is not called into exercise. There is nothing upon which it can operate. In the opinion of the committee, then, this bill ought not to pass, because it proposes the exercise by Congress of a power not vested by the Constitution in the national legislature, namely, the *creation of a State.*"

Mr. DOWNS, a Senator from Louisiana, made a minority report, in which he advocated the right of Congress to admit into the Union States in advance of the adoption of the constitution by the people residing within the limits of the proposed State. He also was in favor of curtailing the limits of the State of California, making the summit of the Sierra Nevada its eastern boundary and the parallel of 34° 30′ north latitude its southern boundary.

That bill, together with several amendments, of which notice had been given in the Senate they would be offered, was subsequently referred to a select committee, composed of the following-named members: Messrs. DOUGLAS of Illinois, JOHNSON of Maryland, JONES of Iowa, CLAYTON of Delaware, DAVIS of Mississippi, BADGER of North Carolina, and NILES of Connecticut—four members from the slaveholding and three from the non-slaveholding States, four Democrats and three Whigs. Thus was this committee constituted which was to consider the propriety of admitting States into the Union in advance of the inhabitants of the territory having adopted a constitution, or in advance of being an organized community, and before that community had ever expressed a desire to be admitted into this Union. Within the range and legitimate scope of their inquiries came the question of size, dimensions, and boundaries of the State or States, and whether the limits of the proposed State contained the number of inhabitants within its bounds proper to assume upon themselves the conduct and management of the affairs of a State without doing injustice to other members of this Confederacy. It has usually (if not always) been required, that a new State shall contain within its limits a representative population equal to the ratio, for the time being, by which representatives are apportioned among States.

That committee, after giving to the subject all the consideration which they were enabled to do, presented to the Senate a bill providing for the admission not only of California into the Union, but for the admission of New Mexico. All the territories which we had acquired from Mexico were, by the provisions and terms of that bill, to be received into the Union, and to be included in two States, each of which, if the territory had been equally divided between them, would have contained more than two hundred and fifty thousand square miles. That bill provided that the acting Governor of California should lay off the proposed State into districts for the election of delegates to a convention, to form a State constitution—that he should designate the time and place of holding the election for each district, appoint the officers for holding said election, apportion the delegates amongst the several districts according to the number of legal voters, and should appoint the time and place for the assembling the convention. The bill prescribed the qualifications of voters and the number of delegates of which the convention might be composed. It was further provided, that as soon as a constitution and State government shall have been established, and the President notified thereof, he should issue his proclamation declaring California to be one of the States of this Union.

This report received the approbation of every member of the committee, for there is no dissent of any member of that committee expressed. This report was made on the 29th of January, 1849, and no vote was taken on the bill. Mr. BELL, of Tennessee, offered, as an amendment to the civil and diplomatic appropriation bill, a provision for the admission of California, and embracing all the territory we had acquired from Mexico.

These are the propositions which were made in Congress, and I cite them as evidence of the opinion which prevailed among the representatives of that portion of the Union from which I come, for all of them were proposed by southern men, except the bill introduced by Mr. DOUGLAS. They were in favor of admitting California into the Union as a State, with double the area of the State of California as now proposed, and containing then only a population of about twenty-six thousand souls, composed as follows:

Californians	13,000
Americans	8,000
Foreigners	5,000
Total	26,000

In this way it was expected the difficulties growing out of this vexed question of slavery would be avoided and adjusted.

These bills had received not only the approbation of members of Congress, but of the Democratic press. The organ of the party, published in this city, (the "*Union*," I mean,) edited by Thomas Ritchie, Esq., the oldest editor in the Union, I believe, and therefore styled Father Ritchie—father of the American press, father of the editorial corps—approved of the measure of admitting California into the Union with the limits I have stated, and with its very scanty population.

Nay, more; he urged upon Congress the passage of that bill with pertinacity and zeal. I have a few extracts from the *Union*, which I will read.

Extract from an aricle in the Union of January 28th, 1849, headed "Convention of Southern Members:"

"We must conclude our remarks for the present, by earnestly requesting our members of Congress to settle this territorial question which has caused so much bitterness and strife. *Slaves may never, under any adjustment, be carried into California.* Why, then, cannot a bill be passed, which would save the honor of the slaveholding States? No territorial bill can be passed unclogged by the Wilmot proviso, and the Wilmot proviso cannot be passed at this session. *Then why not provide for the admittance of California into the Union, and let her settle the question of slavery for herself?* Then the honor of the South will be saved. In a short time, even before another session of Congress, her population will number one hundred and fifty thousand souls, and she *can then demand admittance as a right, when Congress shall have convened.*"

That was the doctrine put forth by the editor of the organ of the Democratic party, published in this city, that California at the next session could demand admittance into the Union as a matter of right. The editor of that paper was not content with merely calling the attention of members of Congress and the public to the subject *once*, but in three other articles he subsequently advocated the same doctrine, and expressed himself still more strongly in favor of that bill. In speaking of the report of the select committee, on the 4th of February, 1849, Thomas Ritchie, the editor, discourses as follows:

"The South contends for her honor and for the great principles of non-intervention and State equality. *Why, then, cannot all unite and permit California to come into the Union as soon as she can frame a constitution?* Then, according to the doctrines which prevail on both sides of Mason and Dixon's line, she may constitutionally establish her domestic institutions on any basis consistent with republican principles. *The South could lose nothing by adopting this course. On the contrary, she would save all for which she contends.* The act authorizing the convention to frame a government for California, would be silent on the subject of slavery, and the rights of the slaveholder would not be trampled on, nor would his feelings be outraged. * * *

"Any territorial government is impracticable, for none can receive the sanction of Congress which does not contain the Wilmot restriction. We have, then, to choose between the scheme of Mr. Douglas, and no action; and if Congress adjourns without action, both sections of the Union will at once be aroused. Bitter feelings will gain the ascendant, leaving a long train of disastrous circumstances which no man can distinctly estimate. *Therefore we earnestly hope that the bill reported by Senator Douglas will meet with the favorable consideration of Congress as the only feasible plan of extending protection to her citizens, and restoring the tranquility of the country.*"

In another artic'e, published on the 8th of February, 1849, the editor remarked:

"But three weeks and three days are allowed for action, and we respectfully urge that they be improved. Let some scheme be adopted which saves the rights and honor of the States, and leaves the people of the territory to determine for themselves the character of their domestic institutions. That is the proper tribunal to decide this great question. Such a measure has already been brought forward, and the choice is between *that* alternative and an adjournment of Congress without action—leaving California to its fate. No territorial bill can be passed without the Wilmot restriction. *If this fact be so, then the admission of the territory in the form of States is all that is left; and we fervently hope that we will not forever lose the benefit of that arrangement by mischievous delay and by fatal ultraism.*"

And in another article, on the 15th of February, 1849, he remarks:

"It has been ascertained without doubt, that no form of territorial government, under the authority of Congress, can pass the House of Representatives without being trammeled with the Wilmot proviso or slavery restriction. It is equally certain no bill with the restriction can become a law. *What, then, can be done? Is there any other mode in which the difficulty can be solved? In our judgment there is; and that mode is to provide at once for the admission of the acquired territories of California and New Mexico into the Union as States, as soon as they shall form republican constitutions as proposed by the select committee* in the report made by Senator Douglas as its chairman, or as proposed in the minority report of Senator Downs of the Judiciary Committee. By this mode the question of the Wilmot proviso is avoided. No member of Congress from the North or from the South compromits any constitutional or other principle. Nothing is said about slavery or the Wilmot proviso—but in providing for the admission of the acquired territories into the Union as States, this, as well as all other domestic or municipal regulations, is left to the inhabitants who are to govern themselves. No southern man can justify himself in denying to them this right." * * * * * * * * *

"We understand that some of the southern members are objecting to the bill. We have respectfully weighed their arguments, but we cannot attach the same importance to them which they do. 'Will you,' say they, 'give up all 'southern claim at once to California, and not only surren-'der her, but admit her two Senators at the next session to 'assist the other Senators from the non-slaveholding States 'in fastening the Wilmot proviso upon New Mexico?' *We answer frankly, we have no idea that California can ever become a slaveholding State. Messrs.* R. J. Walker, Buchanan, *and* Cass, *in their respective letters, expressed the unqualified opinion that it could never become such a State; that the nature of the soil and climate forbids it.* But independently of these suggestions, we refer to the character of the population for the answer. There are very few negroes among them as laborers. The great mass of the people who are already there, and who are emigrating to her land, consist of American citizens and foreigners who are opposed to slavery. What benefit can the South obtain from delay?

"*The people of California, we hope, will prove true to the Union; in which case they will form a provisional government for their own protection, and they will call a convention to frame a constitution. They will knock at the doors of the next Congress for admission as a State; and the strong presumption is, that she will then be admitted.*"

These were the doctrines advocated by the organ of the Democratic party in this city. It is the doctrine, too, upon which it was supposed every Democrat at that time stood—the doctrine of non-intervention—the right of American citizens inhabiting the territories to settle the question of slavery for themselves, in such manner as might suit them, and demand admission into the Union, after having adopted a republican form of government.

Mr. AVERETT. Will the gentleman allow me to ask him a question in this connection?

Mr. PHELPS. Certainly, sir.

Mr. AVERETT. Does the gentleman mean to say that those views put forth by the "Union," were generally approved by the Democratic party of the South, or by the people generally of the South? If he does, he must allow me to say to him, that at that time I was a member of the Senate of Virginia, and so far as I knew, they were utterly repudiated by Whigs and Democrats.

Mr. PHELPS. In reply to the interrogatory of the gentleman, I have this to say: I cannot vouch for the sentiment that prevailed in Virginia, or within the limits of the gentleman's district, I only speak of the opinions that were promulgated and maintained here. Many southern gentlemen were ready, I know, to admit California into the Union at that time, though I doubted the propriety of her admission then. I thought the people of California ought to move in the matter first, as I was not satisfied that California at that time had a sufficient population to render her admission expedient.

I have remarked a bill was introduced for the admission of California into the Union by Mr. Preston, then a Representative from Virginia, and which bill was endorsed by Governor McDowell, then and now a Representative from the same State. Well do I recollect his able speech, breathing the spirit of harmony, conciliation and com-

promise, which was listened to with profound attention by the members of this House, in which he endorsed the plan of admitting California into the Union as a State at that session.

I spoke of the sentiments which prevailed amongst southern members of Congress at that session, and I believe a majority of them approved of that measure. I believe those articles expressed the sentiments of my constituents.

Mr. FEATHERSTON. With the gentleman's permission, I desire to know upon what authority he bases his position that southern Democratic members of Congress were in favor of this bill during the last Congress. Has he any evidence of it? If so, I should be glad to have it brought before the House.

Mr. INGE. I only knew of one Democrat who endorsed the doctrine.

Mr. PHELPS. In reply to the gentleman from Mississippi, I say that I am aware there was no recorded vote in the House upon this question. Mr. Preston's bill was proposed as an amendment in the Committee of the Whole House on the state of the Union, and received a handsome vote, according to my recollection, from southern Representatives. The *Union* fully endorsed a proposition not differing in principle from Mr. Preston's bill.

Mr. INGE (Mr. PHELPS yielding) wished to know if the gentleman from Missouri held southern members responsible for all the opinions expressed in the columns of the *Union?*

Mr. PHELPS. No, certainly not. The columns of that paper were then open to a discussion of this proposition, and no one, that I am aware of, entered his dissent to the principles contained in the articles I have read. If those principles were not satisfactory, and were not received with approbation, why was there not an expression of disapprobation?

Mr. BOCOCK, (Mr. P. yielding,) in reply to that question, said, he had expressed his disapprobation of the bills referred to in a speech delivered at the last session of Congress, and which was published in the Appendix to the Congressional Globe.

Mr. INGE was also understood to say he was opposed to that doctrine.

Mr. PHELPS. I will not run the risk of doing injustice to my friends by trusting to my memory to mention those who were favorable to that proposition.

Mr. WENTWORTH (Mr. P. yielding) stated that many of the southern members were in favor of the bill, but it was amended by adding to it the Wilmot proviso, and then southern members turned round and voted against the bill, and it was defeated.

Mr. PHELPS. Then they did right in defeating the bill. I am glad it was defeated. The proviso ought not to have been attached to it. I remember, but will not mention names, as I desire to respect the sanctity of private conversation, that many southern gentlemen were favorable to the bill reported in the Senate by Mr. DOUGLAS, with the sanction of the select committee. Nearly all were in favor of admitting California into the Union as a State. That bill, as I have shown, was strongly advocated by Father Ritchie. He urged, he implored Congress to pass it, or some similar measure, and by so doing to restore peace and good feeling throughout the country.

But I do not bring forward these facts in order to cast censure on any one. I have brought them forward for another purpose. I declare that the editor of the "Union," and many of the members of the last Congress from the South, are in part responsible for the movement which has taken place in California. I have shown that as early as December, 1848, the people held several meetings and passed resolutions in favor of forming for themselves a government; that this sentiment kept constantly gaining ground, until it resulted in the election of delegates to a convention which adopted a constitution. No doubt—aye, it is free from doubt—it is certain, the favor with which those bills providing for the admission of California into the Union as a State were received by the South, and the support of that measure by the organ of the Democratic party and by other papers throughout the Union, induced every emigrant to California from the States, upon his arrival in that country, to advocate the formation of a State government. Those articles, which I have copied from the "Union," I presume were reproduced in the newspapers published in California, with the declaration that those were the sentiments of the Democratic party, and assuring their readers they must be the opinions of southern men, and particularly the opinions of the people of Virginia, for the veteran editor always spoke for Virginia. Indeed, having spoken for Virginia for many years, and much space in his paper having been occupied with the local politics of Virginia, it has been often remarked that Mr. Ritchie had forgotten he was not publishing a paper in Virginia. The course pursued by the "Union" on this question, and the favor which the proposition of admitting California into the Union seemed to meet with, gave a strong impetus to the similar sentiment which had been promulgated in California. Indeed, Mr. Ritchie may assume to himself some credit for having contributed his aid to induce the people of California to adopt a constitution and State government and demand admittance into the Union.

The people of California had demanded admittance into the Union at the time he predicted that demand would be made, and at that time when he declared it could be demanded—not as a favor, not as a concession, but as a right.

But objections had been taken to the admission of California, because her people had adopted a State constitution and formed a State government without the previous consent of Congress.

Mr. INGE, (Mr. P. yielding.) Has not Mr. Ritchie at this session of Congress opposed the admission of California into the Union?

Mr. PHELPS. I do not recollect that he has done so. But if in the opinion of Mr. Ritchie it was right to admit California into the Union as a State before the people there had adopted a constitution and formed a government, and with a greater area and less population than at present, I ask by what process of reasoning it can be shown to be wrong to admit her now?

A MEMBER. He is not good authority.

Mr. PHELPS. I have produced as my authority the editor of the organ of the Democratic party, a gentleman brought here from the State of Virginia by the last Administration to conduct that paper, and I believe the articles I have quoted expressed the views of the late Administration at that time.

It has not been considered necessary that Congress should previously give its assent to the action

of the people in adopting a State constitution and forming a State government. We have from time to time added to the Confederacy seventeen States; and if the previous assent of Congress is absolutely necessary to the formation of a State constitution by the people inhabiting the territories to authorize its admission into the Union as a State, I ask gentlemen to tell me how nine of the seventeen new States got into the Union. They adopted their constitutions without the previous assent of Congress. Without mentioning other States, Arkansas and Michigan, in 1836, pursued this course. Florida adopted her constitution in January, 1839, and was not admitted into the Union till March, 1845; and no consent had been given by Congress to the people of Florida to adopt a constitution and State government.

But if the action of the people of California had been different on the question of slavery—if the constitution of that State had recognized slavery within its limits instead of prohibiting it, we would have found, in my opinion, no objection raised to the admission of California by southern gentlemen. For the purpose of preserving as near as possible an equilibrium between the slaveholding and non-slaveholding States, I should have been better pleased if the people of California had recognized slavery. But as I recognize the right of the people in California to prohibit or establish slavery as suits their pleasure, I submit. If the people of California had recognized slavery in their constitution, and its admission into the Union had been opposed, I should have denounced the opposers as inimical to the right of the people to determine the character of their own political and domestic institutions. I should then have demanded the immediate admission of California as a right. The character of their domestic institutions does not change that principle.

When northern gentlemen have been here interrogated to know how they would vote upon the admission of California into the Union, if the people had recognized the institution of slavery, I have regretted to see some of them evade a direct answer to the question. The slavery question ought in no manner to affect the question of its admission. It rests upon other and different principles. Every man who hears the sound of my voice, if he had been in California, would have cooperated with the people there in adopting a State constitution. Self-protection and self-preservation first prompted the movement.

When mingling with my constituents, last summer, I told them I believed the people of California would adopt a State constitution, and demand admission into the Union at this session. My opinion that such a course was a proper one, was freely expressed, and I furthermore made known to them I would vote for her admission. Such are the wishes of my constituents, and their will shall be done. I also apprised them that, in my opinion, in no portion of the territory we acquired from Mexico would slavery be recognized. That opinion was expressed by the late lamented President, in his last annual message, in which he urged upon Congress the duty of providing governments for the territories. He said:

"The question is believed to be rather abstract than practical, whether slavery ever can or would exist in any portion of the acquired territory, even if it were left to the option of the slaveholding States themselves. From the nature of the climate and productions in much the larger portion of it, it is certain it could never exist, and in the remainder the probabilities are it would not."

An objection has also been urged against the admission of California, on the ground that she has not the requisite population. I believe, sir, that the population amounts at this time from 105,000 to 115,000. The memorial from the Senators and Representatives elect from California estimate the population at about 107,069. The report of the honorable T. Butler King estimates the number, on the 1st of January last, at 115,000. We have also the estimate of the editor of the Alta California, who computes the number of the population, on the 1st of December last, at 94,000, adding for distant settlements, making 100,000. This was only to the 1st of December. At that time all the overland emigration of last summer had not reached the country. It has been estimated there were about 40,000 emigrants, who started for California last year by the overland route. A portion of these had been detained in the mountains, and would not have arrived at their destination before January. I say, then, that in my opinion, the population may be fairly stated at 110,000, which would entitle California to two Representatives, according to the provisions of the last apportionment act.

Another objection has been urged to the size of the State. The number of square miles within the limits of California, as defined in her constitution, is estimated by the Commissioner of the General Land Office, at one hundred and fifty-eight thousand five hundred square miles, and in the memorial of the Senators and Representatives elect from that State, at one hundred and fifty-five thousand five hundred and fifty square miles; in which are embraced the beds of all lakes, water courses, and navigable streams, within its boundaries. In the estimate of the area of those States in which public lands are situated, made by the Commissioner of the General Land Office, the beds of all lakes and navigable streams are excluded. The area of those States so given, shows the area of land—of *terra firma*, only. The area of the State of Missouri, estimated in that manner, is given as sixty-seven thousand three hundred and eighty square miles. The area within her boundaries is seventy-two thousand two hundred and seven square miles, as computed by Hutawa. If, therefore, we exclude the beds of lakes, rivers, and water courses, from the area of California, the quantity of land of *terra firma* will probably not exceed double the area of the State of Missouri, as computed at the General Land Office.

But we have admitted Texas into the Union as a State. I was in favor of its admission. In the portion of the Union where I reside, no objection was made to its size. Its area is estimated at three hundred and twenty-five thousand square miles California is less than one half the size of the State of Texas. But we should look not merely to the size of a State, but to the quality of the soil and its capability of sustaining, of supporting its population. California, in my opinion, with her snow-capped mountains and desert plains, has not as much arable land within its limits as has the State of Missouri. To show what proportion and quantity of productive soil it has, I make the following extracts from the memorial of the Senators and Representatives elect from that State:

"The eastern boundary of the State, so far as explored and known, runs through a desert. A small portion of the eastern slopes of the Sierra Nevada is said to be adapted to agricultural and grazing pursuits.

* * * * * * * * * * *

"That portion of the State lying to the southward and eastward of the Sierra Nevada and the coast range, and between those mountains and the Colorado river, is believed to be an arid desert. So much as lies upon the usual emigrant trail from the Colorado to San Diego, and that further north, in the vicinity of the explorations of John C. Frémont, is known to be of that character. The general impression, therefore, is, that that part of the territory included in the State boundaries is of little or no value.

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"A glance at the map prepared by order of the United States Senate, from the surveys of John Charles Frémont, and other authorities, upon which the above calculation is based, will at once satisfy all that the topographical characteristics of that country are peculiar and novel. Two great chains of mountains, the Sierra Nevada and the coast range, traverse it in nearly its whole extent from north to south. The large valleys that lie between those two ranges, and the small lateral valleys that pierce their rugged sides in every direction, are the valuable arable portion of the land of California. Assuming, then, that two-fourths of the whole superficial area of the State are covered by mountains, that another fourth is a desert waste, and we have left one-fourth as useful for agricultural purposes; that is, thirty-eight thousand eight hundred and eighty-seven and a half square miles, or twenty-four millions eight hundred and eighty thousand square acres of arable and productive land. This estimate, in the opinion of the undersigned, is fully borne out by the topographical surveys of the country: but, anxious as they are to avoid misstatement, they do not hesitate to assert their belief that it is quite apparent, after all due allowances, that three-fifths of the whole territory embraced in the State of California will never be susceptible of cultivation or useful to man. This, then, would give as the remaining two-fifths, sixty-two thousand two hundred and twenty square miles, or thirty-nine millions eight hundred and twenty thousand and eight hundred square acres, which would constitute the sum total of valuable arable and grazing land embraced within the boundary fixed by the constitution of the State of California, and distributed at intervals over the whole surface of the country from its extreme northern to its extreme southern limits."

It has been said that the proceedings of the people of California are anarchical and revolutionary, and therefore she ought to be remanded to a territorial form of government. Revolutionary of what government?—of this? The delegates to the Convention were all sworn to support the Constitution of the United States. It certainly is a strange revolution which commences with taking an oath to support the Constitution of the country under whose government they live and whose protection they demand. Revolutionary proceedings in which they have fully recognized the right of the United States to all the public domain within its limits! Revolutionary in maintaining that principle which is the basis of republican governments! Revolutionary in asking to be received into the Union! Revolutionary in asking that the laws of the United States be extended over them! Remand her to a territorial form of government! You might as well endeavor to cause the waters of the bold, turbulent, and angry Missouri to flow up-stream. You might as well attempt, by your fiat, to cause mountains to become valleys, the sea to become dry land, and the dry land to become sea, as to attempt to cause California to sink back into a state of territorial tutelage. The admission of California is a foregone conclusion—its destiny is written—the decree is registered—Congress will execute it. This act should have been done long since. No serious objection, in my opinion, should have been made to it. The delay has been caused by mingling the slavery question and the Wilmot proviso with it.

No one can desire more ardently than I do, the adjustment of all the questions growing out of slavery, or with which it is mingled, in a manner satisfactory to the rights and honor of the South, and in accordance with the principles of the Constitution. But I desire the question of the admission of California to be presented as a separate and independent proposition—that it shall stand or fall upon its own merits—neither obtaining aid from, nor giving strength to any other measure. If it is right to admit that State, her admission ought not to be made dependent on any other question. If it is wrong to admit her, we ought not to burden a good measure with the question, and cause its defeat.

The bill pending in the Senate providing for the admission of California into the Union, and the establishment of territorial governments in Utah and New Mexico, and adjusting the boundary of Texas, I will not particularly discuss. Amendments have already been adopted to this bill, and it is probable others will be adopted which may materially alter its provisions. But whenever a proposition shall be presented to me which maintains our rights and honor, and is warranted by the Constitution, and neither directly nor indirectly changes slave soil to free soil, and, furthermore, makes a final and satisfactory adjustment of all the questions growing out of slavery, it shall receive my cordial support.

The Wilmot proviso—why press this upon us? It is a measure which, in my opinion, is not warranted by the Constitution; and even if it was so warranted, it must be regarded as unjust and inexpedient. My votes have been recorded against it, and if this measure is again brought to a vote, my vote will still be against it. Gentlemen of the North, some of you have said that the laws which were in force at the time of the acquisition of this territory, and which are not inconsistent with the Constitution of the United States, remain in force until repealed or changed by the proper legislative authority. Mexico abolished slavery throughout her possessions, and therefore you say slavery will not exist in our recently-acquired territories unless it shall be established by law. You say it is an institution which can exist in the territories by means of positive law only. Some of you also say, from the nature of the soil, of the climate, and of the productions of the newly-acquired territories, slavery cannot exist there—that the laws of nature, more potent than human law, forbid it. These are the positions of some of you. Now, if you are sincere in these declarations—if you believe what you say—drop the Wilmot proviso—abandon it at at once. Let it die of neglect. You have no good reason to urge its passage. Mexican laws and nature will accomplish all you desire according to your own positions. Abstain from pressing it then, and let us give security and protection to the inhabitants of New Mexico and Utah. Remove that bone of contention. Keep it away from this Capitol, and we shall soon be able to hail the day when we can go on with our deliberations here, and transact the public business, already neglected by reason of our discord and dissensions, quietly and harmoniously. I shall rejoice to see that day in this Hall, when there will be a fraternity of feeling and of action, when there shall be no North, no South, no East, no West, but when every question shall be advocated, not for its sectional bearing, but for its immediate effect in promoting the good and the happiness of our constituents, and our common country.

We of the South have just cause of complaint against you. Some of you frankly admit this. The provisions of the Constitution, requiring the surrender of fugitive slaves to the owner has, by the Legislatures of some of the non-slaveholding States, been disregarded and nullified. Individ-

uals, mobs, throw obstacles in the way of their recapture. It would be ungenerous and unjust to hold States responsible for the acts of individuals. Mobs will violate and set at naught the laws of the State in which they assemble. But, we demand you shall repeal your laws on this subject, which are calculated to hinder and obstruct a compliance with the provisions of the Constitution. We demand this as a right. We require the fulfillment of the constitutional guarantee. Its expediency or propriety is not an open question. Your forefathers and mine acquiesced in it and placed it in the bond which binds us together. The Constitution recognizes the right to the services, to the labor of slaves; recognizes them as property, and provides they "shall be delivered up on claim of the party to whom such service or labor may be due." We require the law upon this subject, passed by Congress in 1793, shall be executed in its letter and spirit. And we also demand from you amendments of that law, which will better secure to our citizens the benefits of the provisions of the Constitution on this subject.

The State which I in part have the honor to represent is bounded on two sides by non-slaveholding States. The escape of slaves from Missouri to the non-slaveholding States have not, I presume, been as numerous as from the States of Kentucky, Virginia, and Maryland; and it is probable our citizens do not meet with as great difficulties in recapturing them as do the citizens of the States I have mentioned. Many of the citizens of Illinois, I know, are ready to do so, and do assist the master in arresting and carrying home his runaway slave. It is to be hoped such feelings will prevail, and that such acts will be of common occurrence whenever the occasion is presented, among the citizens of the non-slaveholding States. During this session of Congress a number of slaves made their escape from the city and county of St. Louis; they were arrested in the vicinity of Springfield, Illinois, before the owners of them had made pursuit. This was communicated by telegraph to St. Louis. The owners started for Springfield, and met their slaves on the road, going to St. Louis in custody of the persons who had arrested them. In this case no attempt had been made by those discovering the negroes to spirit them away from their masters. Such acts will go far towards preserving that comity and good feeling which ought to exist between the citizens of neighboring States. It is to be hoped such conduct will be more frequent.

The amendments in their present form proposed by the Committee of Thirteen in the Senate, to the fugitive-slave, bill pending in that body, cannot receive my support. One of those amendments proposes that Congress shall by legislation direct a suit shall be instituted in a State court between a master and his servant. It provides, that after the arrest of the fugitive slave, and in the event the fugitive declares he is not a slave but is a freeman, and the court, judge, or commissioner, or other officer before whom he is brought, shall decide to grant a certificate empowering the removal of the fugitive to the State from which he shall have fled, that the officer granting such certificate shall require the claimant to enter into bond to the United States, in the sum of $1,000, that the fugitive shall be taken to the county, parish, or district from whence he fled, and at the first term of the court after his return, shall be carried before a court of competent jurisdiction, and be permitted to try his right to freedom. The bond so taken is to be transmitted to the District Attorney of the United States for the district from whence the fugitive made his escape.

By what right can Congress declare a suit shall be instituted in a court of my State by my servant against me? Where is the authority for this? What part of the Constitution gives it? If the power is conceded that Congress can direct a suit to be instituted in a State court, or any other court, by a slave against his master, let me ask if Congress then does not have jurisdiction over the whole subject-matter and can therefore direct the manner and mode of trial, the nature, degree, and extent of evidence that shall be required? Although this amendment does not prescribe the nature and degree of the evidence to be offered on the trial, yet the principle contained in it would in my opinion authorize it. That legislative authority which can direct or authorize a suit to be instituted, must also have the power to regulate the trial of that suit and prescribe what evidence is admissible and competent.

When fugitive slaves are arrested in slave States, at a great distance from their master's residence, they frequently declare they are free. And if they make their escape to a non-slaveholding State, it is almost certain every one of them will declare to the officer before whom they are brought, that they are free; so that in every instance of the reclamation of a fugitive slave in a free State, the master will be sure of having a freedom suit on his hands, if this amendment is adopted in its present shape. All slave States have provided for the institution of suits between the slave and his master for the purpose of trying his right to freedom. It is a matter of State legislation entirely. Congress has not the right to authorize the institution of these suits for freedom. Encroach not on the rights of the States. Avoid the establishment of a principle which may hereafter be perverted from the intention of its friends, to promote the cause of emancipation of slaves in the States by judicial acts. My views of this proposition may be erroneous, yet my confidence in the opinions expressed by me are unshaken. It is a dangerous principle, and from which I fear much harm may come to the section of the Union which I represent.

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SPEECH

OF

HARVEY PUTNAM, OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES, TUESDAY, JULY 30, 1850,

In Committee of the Whole on the state of the Union, on the bill making appropriations for the payment of Revolutionary Pensioners.

Mr. PUTNAM said:

Mr. CHAIRMAN: On the motion just made to lay aside the California message, in order to take up appropriation bills, I voted in the negative. A majority, however, has decided that the latter shall have preference; and the chairman of the Committee of Ways and Means has presented to the committee the bill for paying revolutionary pensioners. I am in favor of the bill. A nation's gratitude was never more justly merited. It is fit and becoming the country to relieve the wants and ameliorate the condition of the revolutionary soldier. He periled his life to establish freedom and liberty for his country. No argument is necessary to induce the passage of such a bill. But, sir, I consider this as not an inappropriate occasion to refer to some of those *principles*, which the revolutionary soldier labored to establish; and propose to speak of the message of the late President to Congress, touching the admission of California as a State into the Union.

That any beneficial results will grow out of further debate on the question, is, perhaps, problematical. We have had strong and unmistakeable indications from a large portion, if not all the members, respecting their several opinions; and under the circumstances, it may look like presumption in me, should I venture to hope that anything I can present, will alter the opinion of any member, or even aid in any degree, in quieting the agitations of the country. And, sir, judging from present indications, I hazard not much in saying, that such a work can be accomplished,—not by the clearest demonstrations of human wisdom, but only by a power higher than that conferred on any mortal mind, overruling and directing the councils of the nation, and by whose beneficent providence this Republic has shared a hitherto unexampled prosperity.

But, sir, as I only follow an almost universal precedent, I trust I shall be pardoned for occupying the portion of time allotted to members in debate. And, Mr. Chairman, in our review of the all-engrossing theme of thought and discussion, it may not be amiss for a moment to look away from the subject-matter which I have under consideration.

From the humblest beginning we have become, under the favor of Providence, a mighty Republic, with a government of laws unsurpassed for their wisdom and justice; knowing among its freemen no privileged classes, recognizing no arbitrary or royal distinctions. With the whole history of our country we have, as a nation, reason to be proud.

The great and wise men of the Revolution, sustained by the patriotic masses, whose every heart beat for liberty, secured for us the freest and noblest institutions in the world. From that period we have ever been on the advance in every element of national power, or of individual happiness. We have firmly maintained and advanced our positions in the family of nations. We have again and again demonstrated our supremacy as a military people; every day chronicles the triumphs of American arts and sciences. Every man sits under "his own vine and fig tree," enjoying the full protection of the laws, reposing in perfect security under the guarantees of the Constitution. What American is not proud of his country—what price can tempt any man to put forth a treasonable hand to destroy this our political fabric—this Republic of confederated States—this free Government, which has done, and is doing, so much for man and civil freedom all over the world? The question for us and this nation to determine is, whether these blessings shall be perpetuated and handed down to future generations; or whether this fair fabric shall be shivered to atoms, and the hopes of a world blasted forever

Now, sir, for one, I feel that it is most desirable to preserve such a Government and such a Union as this,—that it is worth the effort to surrender every sectional prejudice, suppress every unhallowed desire, and, in the spirit of '76, unite our efforts for the preservation of the national compact. A wise physician, sir, seeks for the causes of disease before he rashly applies remedies. Let us imitate this prudence, and inquire the source of the ills which now threaten the very being of the body politic. I am not ignorant of the fact, that circumstances—such as place, education, social and municipal relations—often have much to do in forming the will and controlling the judgment, leading to narrow and uncharitable conclusions. My desire is to understand the true condition of the issue before the country, and whether any occasion exists for the present excitement, and where, and with whom, may be found its origin. In the examination, I am aware that I start upon a voyage unpropitious,

and doubtful of any good. On the threshold, I am met with prejudices, fastened upon the mind by sectional interests—with the demagogue, ready to sever in twain this Union, if necessary to succeed in his unhallowed designs—with fanaticism of the North as well as the South, closing up every avenue, if possible, against an admittance of the least ray of light, and arresting the progress of measures necessary and important for the peace and welfare of the country.

Sir, I think I can say I know no North, no South, in contradistinction to the entire Union. We tread on dangerous ground when we recognize territorial divisions, having antagonist interests, and concede that there are legitimate elements of discord and disunion in the different extremes of the country. We thereby invite separation, and with our own hands scatter the seeds of disunion. The Constitution, though carefully framed as it was, with a view of protecting every section and interest, has not the power to hold us together, unless it is met *fairly* and sustained in its true spirit, by the whole country. No one has a right to lay violent hands upon the Constitution. No man has a right to give to that instrument forced or unwarrantable constructions, for the purpose of sustaining local views and peculiar institutions. It is the platform for the whole country—for the North and the South; and by it the question of slavery, so far as it stands affected by the Constitution, as is every other one arising under it, must be decided.

What is the relative position of the northern and southern States on the subject of slavery? The North or free States disown all participation in the institution. Freely and voluntarily, as a question of *principle* and public duty, as well as of public interest, she long since abrogated every vestige of the institution; and every man is in the enjoyment of that freedom which the principles of our political institutions profess to guaranty to American citizens.

On the other hand, the southern States have established the principle, that man may hold property in his fellow-man. The result of which is, that a being formed in the "image of God," is reduced to a mere chattel, with little higher character or more elevated relations than the brutes that perish. In such a use of the sacred rights of man—in a code of laws establishing such an institution—in such a sacrifice of the inalienable rights of man, the free States desire not to have, and will not have any participation. The North will yield to the South every inch the Constitution gives her; when they go further, they become accessory to slavery. The claims of the South, under the Constitution, should be sacredly carried out; and when she asks either extension or protection in the Territories, she asks more than it gives her, and more than the principles of freedom or the natural rights of man will concede to her. The time has come when these claims are to be fairly met, and they must abide the test of their trial.

Mr. Chairman, it is not unfrequently charged upon the North, that there is a systematic organization against southern slavery, *the object and tendency of which, are, to violate their laws and interfere with slavery in the States.* There may be some who have such designs, and whose vitiated philanthropy, restless under the restraints of the Constitution, may lead them beyond its landmarks; but I trust the number is small. Such are not worthy of a citizenship under the laws of the Government. Every infringement of State rights protected by the Constitution, is a dereliction from duty and national obligation. Any such declared purpose, made here or elsewhere, with a present or ulterior design to violate the laws of sister States, will not meet with the approval of any honest or well-disposed citizen. But, sir, it is not true that any considerable portion of the inhabitants of the free States entertain such designs. They are a law-loving and law-abiding people, and have no disposition to interfere with State rights, or with the adjustments of the Constitution.

I have said thus much in answer to the charge, whether made designedly to keep up an excitement which has already attained too great an eminence, or with a sincere belief, that any such attack is really intended upon the laws and institutions of the southern States. It is due to the North that such an imputation should be met and controverted; and to the South to understand that her every right, protected by the Constitution, will be respected by the North.

Mr. Chairman, I need not say that I am a northern man, and come from a constituency opposed to slavery, though as decided in its attachments to the entire Union and its laws, as that of any other member on this floor; yet, sir, I hope to deal justly with the South, and will yield to her all she can claim in behalf of slavery under the national compact. It is my privilege to review the premises upon which her particular claims are based, and test them and their authority by the provisions of the Constitution.

Passing by the circumstances which led to the admission of Texas, with slavery in her constitution, fastened irrevocably upon her for all time to come; passing by the unjustifiable war upon a neighboring Republic, the immediate result of the admission of Texas—a war for conquest and for the special object of further extending slavery—I pass on to consider the claims of the South for extending her institution over our newly-acquired territories. She demands an equal participation in them with the North. This is a just and self-evident proposition, and no member from a free State will attempt to controvert it. But we differ as to what constitutes an equal occupancy. Occupying upon the same terms and conditions, would be to have in common the same rights and advantages, each take into the territory such property, and such only, the claim to which is founded on those *general laws which are recognized by all nations as conferring right of property*, independent of municipal law. But the South claims to carry her special or slave property there and be protected in its posession, the right to which, is derived from, and held only by local or municipal laws founded upon usage, or adopted by State legislation. Title to property in things personal does not conflict with any *natural* right; but laws creating slavery, abrogate a law of our nature and annul the inherent right of man to himself. We recognize a right to no property but such as is sustained by universal consent and is consistent with natural justice; whilst they, sir, by local and special laws, create property in man. Such a right should rather be restricted than extended.

Under such circumstances, it is impossible to

avoid seeing, that the South—not the North—is making distinctions in property, and discrimination in the use of the public lands. It seems to me that every unprejudiced mind is able to see the injustice of the charge, that we are "appropriating the fruits of victory exclusively to ourselves."

For a settlement of the question, the South proposes to divide the acquisitions; but too many objections hang around such a compromise, a few only of which will I refer to.

First. The Jeffersonian ordinance of 1787 was extended over all the territory over which Congress had jurisdiction. I infer that the design was to keep slavery within its then limits, restraining its extension by a prohibitory ordinance, indicating thereby, that at that day slavery was deemed wholly incompatible with our institutions.

Second. Such an expression of the sense of the country teaches a moral lesson, which cannot be disregarded without treading under foot the principles of our fathers, whose sentiments, as to national rights and duties, it does not become us entirely to disregard.

Third. The slavery of our fellow-man, being a deprivation of natural rights, is a violation of the highest law of God and man. These are the sentiments of the free States, and in them they have the concurrence of the civilized world. Under such circumstances, the North declines such a compromise.

Again, sir; the South ought not to press it. She knows that the liberal disinterested opinion of the country, north and south, is averse to slavery.

If, therefore, she has any regard for the peace and harmony of the Union, she should not again agitate the country, nor insist upon a division of the territory for slavery, thus adding another living cause of discontent and of evil. The South knows that no mercenary motive, no design of securing political preponderance, induces the opinions and the action of the North on this occasion, but that her opposition rests upon other well-known and justifiable grounds.

I have endeavored to show that the South, independent of *legal* claims, has no cause to complain of the North, and that she ought to be satisfied to occupy the public domain on equal terms and conditions. This would seem to be a fair arrangement; and yet she declines and claims that under the Constitution she has a right to admittance there with her slave property, and is entitled to its enjoyment under the laws of the country. Under such circumstances it becomes important to understand what are her constitutional rights, (and such all are bound to respect,) and how far the Constitution sustains her assumptions. In starting upon the discussion, it may not be amiss to refer to some general rules which have a bearing upon the question:

First. That the laws of nature, and all social and moral relations, confer upon man a right in himself. Such native right is an innate principle, and not dependent upon human laws.

Second. Slavery is founded on municipal law, is an infringement upon natural rights, has no existence beyond the limits of the power creating it, and therefore a slave cannot be taken beyond those limits and property retained, except there be some legislative provision existing in the State or Territory where he may be taken, protecting the owner's right to this species of property. The demonstration of these propositions is conclusive against this southern claim, and to this, in my humble way, I propose to address myself.

Though it may at this day be a truism, that slavery is founded on municipal law; yet I will cite the case of James Summersett, a negro, decided in the King's Bench, England, in 1772, and reported in the twentieth volume of State Trials. The negro was taken to England by his master from Jamaica as a body servant, intending to return to Jamaica. The case was elaborately argued in behalf of the slave as well as his master. In delivering the opinion of the court, Lord Mansfield said: "The state of slavery is of such a nature that it is incapable of being introduced on any reasons, moral or political, but only by positive law. * * * It is so odious that nothing can be suffered to support it but positive law." There being no law or custom in England to support slavery, or to protect even in case of a temporary visit, the negro was set at liberty by the court. The moment, therefore, a slave arrived in England he assumed his right to himself, and the local power which made him a slave ceased its control over him when he arrived where no such restraint existed. The principle which this case establishes is this, that the moment a slave by the permission of his master passes out side of the lines of the slave into free Territory, the local laws cease their operation, and the superior and sovereign right of man to himself, is restored. This decision of the court of King's Bench has been adopted by our State and Federal courts. In the case of Prigg in the United States court, Justice Story says: "The state of slavery is deemed to be a mere municipal regulation, founded upon and limited to the range of the territorial laws."—(16 Peters' Rep.) In the case of Lunsford against Caquillon, (14 Martin's Rep.) in Louisiana, the court say: "The relation of owner and slave is, in the States of this Union in which it has a legal existence, a creature of the municipal law." The same principle is declared by the court in Kentucky; in the case of Rankin against Lydia, (3d Marshall, 470,) they say: "Slavery is sanctioned by the laws of this State, but we consider this as a right existing by positive law of a municipal character, WITHOUT FOUNDATION IN THE LAW OF NATURE." In the case of Forbes against Cochrane, (2 Barn. and Cresw., 448,) Best, justice, said: "Slavery is a local law, and therefore, if a man wishes to preserve his slaves, let him attach them to him by affection, or make fast the bars of their prison, or rivet well their chains, *for the instant they get beyond the limits where slavery is recognized by the local law*, they have broken their chains, they have escaped from their prison."

The doctrine is well settled, that property in slaves is dependent upon State or local law, whose restraints cannot pass beyond the power of its creation. This kind of property, therefore, does not, as a legal consequence, *follow the person.* In this particular it is unlike those commodities, or property in general, which are everywhere, and by all nations, recognized, and deemed subjects of property, as to which no local laws are necessary to give title. The effect upon the rights of the master is the same in the absence of prohibitory laws, or laws abolishing slavery; for a power conferred by municipal law in *derogation of natural rights*, being limited to the territory of its creation, evi-

dently needs no penal or prohibitory laws to prevent its operation beyond such limits.

My object, Mr. Chairman, has been to bring to the notice of the committee, and to establish by authorities, the general rule of law relating to slavery, and thereby show the limit and extent of the authority under which the institution derives all its power. We see, then, that it is clearly of a local origin, and of course must be limited in its operation. The inevitable and legal sequence is, that a slave taken into a free State, or into one of the Territories of the Union, is equally fatal, and the relation of master and servant is thereby dissolved, unless, as to the Territory, there is a municipal law sustaining the right.

That the Territories are excepted from the rules applicable to the States, and that the Constitution confers the right to take slaves into the Territories, on the ground that they are the common property of the Union, is the doctrine of the South. This claim is made with apparent sincerity and in great confidence; the latter, however, in such a manner, that in the absence of argument, I have almost been led to suspect the former was but an outward show. Many speeches have been made on this floor by gentlemen from the South, containing a full amount of positive declaration and averment, but I have not had the pleasure of listening to one, in which the *principles* of the claim, as founded upon the Constitution, have been discussed. Broad assertion has taken the place of argument—a mode of discussion which never demonstrates a principle.

Now, sir, with this doctrine I am at issue, and with deference to the opinions of gentlemen taking the opposite ground, I affirm, that such a power, express or by implication, is not found in the Constitution. Look from its preamble, which declares its object, among other things, to be, "to secure the blessings of liberty" to its close, and you will look in vain for such a power. Much is said about the compromises of the Constitution, and of the compact between the North and the South about slavery; and if the South is refused admittance into the Territories with her slaves, then the compromises are disregarded and the compact broken! And this is followed up by threats of a dissolution of the Union. On the other hand, we say, that the Constitution neither creates nor establishes slavery; nor does it by any fair or legitimate construction extend, add to, or confer any new creating, continuing, extending, or supporting power, to the State laws. But, sir, I will proceed to notice the several provisions relied on by the South, and consider the objects, the intention and understanding of the members of the Convention, in adopting those provisions.

Here Mr. EVANS, of Maryland, rose to a point of order, and said, the bill now under consideration was a bill making appropriations for the payment of revolutionary pensions. The gentleman from New York [Mr. PUTNAM] was discussing the question of slavery in the Territories.

After some remarks by Messrs. EVANS, DUER, and others—

The CHAIRMAN (on the point of order of Mr. EVANS) decided that, under the uniform practice, a wide range of debate had always been allowed in Committee of the Whole on the state of the Union, and that the Chair, therefore, did not feel authorized to declare the remarks of the gentleman from New York [Mr. PUTNAM] out of order.

Mr. EVANS appealed from the decision of the Chair. The question was then taken, and the decision of the Chair (declaring the remarks of Mr. PUTNAM in order) was sustained by the committee. So the decision of the Chair was affirmed.

Mr. PUTNAM said, if his friend from Maryland ever intended to confer a favor on him, it could hardly come more seasonably than at this time—and thanked the honorable member for raising the point of order, as the delay occasioned in considering and disposing of it, furnished an opportunity for a little rest, very acceptable on this extremely warm day.

Mr. P. then resumed his remarks.

When called to order, Mr. Chairman, I was about to enter upon a discussion of the clauses of the Constitution, relied upon by the South in support of their claim, and having the favor of the committee to continue, I will, in the first place, refer to the clause relating to fugitives from labor:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Each State forms an independent government, having power to establish its own municipal regulations, social, civil, and political—subordinate only to the provisions and reserved powers of the Federal Government. But as the slave had the power to change his location and thus place himself beyond the right of recaption under State laws, the necessity of providing against such a contingency was too apparent to be lost sight of, and the result was, the adoption of the fugitive clause, which authorizes and justifies the owner in pursuing him where the laws of the State giving the right of slave property have no force. Its authority is to recapture and take back into his own State—not to transport out of it. The owner avails himself of the power the moment he crosses into the free State in pursuit of his slave. It may be said to accompany him as a shield of protection, until he shall retake his slave and recross his State line, where his own municipal regulation comes to his relief. *Then* the clause will have performed its particular office, and the local law affords him ample protection. No one can fail to see that the only object or design of the provision, is, to facilitate the recapture of a runaway slave, who had seen fit to contemn a local authority restrictive of his liberty. It is clear, that as a rule of law the clause has effect in no respect, except to *recapture*, and this only where it is to be *executed*.

Legislative power in restraint of natural and inherent rights when exercised, should be done cautiously. Such a law should be construed strictly, should be explicit in its language, and its construction never left to implication. How is it possible, then, under this plain and explicit clause, that slaves can be taken into the Territories and the right of property be protected? Still this is one of the results, as is claimed, arising under it. The clause is remedial, the object specific, and for the purpose intended is ample, and there it has its limit. A remedial statute can never be construed against its strict letter. A special power is ever to be strictly pursued, and especially one in restraint of personal liberty, and all others not ex-

pressed, are necessarily excluded. The power to recapture in another State, and a power to hold and protect in the Territories, are separate and distinct powers. They must be founded on different grants—each must have its own separate derivation, for the reason that they are different powers. Hence we see it is impossible, that the clause referred to can sustain this southern claim of protection.

The intent also being the guide to a proper construction, can it be credited for a moment, that any member of the Convention had in view any design in adopting the clause, further than to provide a remedy for the object particularly referred to? These are some of the ordinary and well-settled rules which apply in the construction of statutes, and the same are applicable to the fundamental law of the land.

I am gratified, Mr. Chairman, to find my views sustained (whether intentionally or by inadvertence, I know not) by the honorable member from Alabama, [Mr. HILLIARD.] In his speech is the following clause: "It will be observed, sir, that 'no power was asserted by the Convention over 'slavery; they did not undertake to control it; on 'the contrary the slaveholding States then as-'serted, as they now assert, that the *right to hold* '*slaves* was independent of the Constitution." In the same speech, he also approvingly quotes the language of one of the most able men of the country, Mr. Sargeant, of Pennsylvania, sustaining the sentiment, "that the right of the slave-'holding States in their property *is paramount to the* '*Constitution itself!*"

The principle here intended to be asserted, is, that the right to hold slaves is *independent of, not relying upon*, the Constitution, or, in other words, that it is wholly a State regulation. I am happy to find the honorable member so fully indorsing the correctness of my premises, the corollary of which does so effectually exclude the propagation of slavery from the public domain.

Another clause of the Constitution upon which the South relies as a part of the compact, favoring the southern policy of protection, is the following: "'Representatives and direct taxes shall be appor-'tioned among the several States which may be 'included within this Union according to their re-'spective numbers, which shall be determined by 'adding to the whole number of free persons, in-'cluding those bound to service for a term of years 'and excluding Indians not taxed, *three fifths of all* '*other persons.*" In construing statutes we are to be governed by the intention, as well as the letter of the law-maker. And having ascertained the intention of the Convention, we have no right to give to the provision a construction not necessary for, or beyond the accomplishment of its immediate purpose. Now, sir, I ask, what was the object before the Convention? It will be noticed that it was to establish one of the branches of the legislative department of Government—the House of Representatives; and the clause was framed and the rule so settled, that the *people*, and not the *property* of the country, should form the basis of the representation. In thus establishing the rule, it was just and equitable that the citizens of the country who have a right to participate in the affairs of the Government, and in the political and civil relations of the Republic as one great political family, and those only, should form the basis of the representation. This, however, did not satisfy the South, for it would give them but a small representation, and they insisted that slave property should constitute an element of the rule. This proposition was earnestly opposed, and hence arose a contest which well-nigh broke up the deliberations of the Convention. A compromise, however, was made by adding to the whole number of *free persons, three fifths of all other persons*, and on this basis, the representation was settled. Now to say that anything else is found in this clause save the question of apportionment and taxation, or that the question of property in slaves was established or protected by it, or that even such an idea was entertained by the Convention, is not only a wrong interpretation, but an utter perversion of language. If the Convention designed to afford such protection to slave property, it is reasonable to suppose that it would have been expressed in clear and distinct language. Instead of this we find a studious avoidance of anything in the Constitution recognizing the relation of master and slave. The Convention refused to commit itself as a body to the recognition of the institution of slavery. Hence the term designating a state of chattel servitude finds no place in the fundamental law.

Sir, let not the South murmur at the advantages we say she enjoys under the compromises of the Constitution; she has no occasion to do so. Northern property finds no representatives on this floor. Ours are the representatives of freemen—twenty-one of theirs, sir, are based upon the chattel property, absolute and unqualified, existing only by local laws. This adds greatly to their power, and abates just so much from ours. It is in the *bond*, and we make no complaint.

That branch of the clause relating to taxation affords no aid in support of slavery. A direct tax need never occur, under a wise and prudent administration of the Government. It was evidently conceded as some equivalent for the privilege of the slave representation. The whole clause, however, treats the slave as a *man*, and not as *property*, and is destitute of every element necessary to sustain the right to transport and give protection to slave property in the Territories of the Union. But, sir, I pass on to notice another clause:

"The migration or importation of such persons 'as any of the States *now existing* shall think 'proper to admit, shall not be prohibited by the 'Congress prior to the year one thousand eight 'hundred and eight, but a tax or duty may be im-'posed on such importation, not exceeding ten 'dollars for each person."

This clause, referring to the foreign slave trade, is also relied upon as affording such a national *recognition*, as to sustain the right of protection. Such a doctrine is not found in the language of the clause. What was the *intention?* To answer this question, let us refer to *facts* and the *occasion* of this provision. At that time a large commerce was carried on in the foreign slave trade. The injustice and cruelty of this feature of slavery was so apparent, that the Convention, in the spirit of the day, saw fit to fix a period of time when legislation might interpose against its further continuance. In effect, it was a reservation of power, and abolition of the traffic was the design. In 1807, Congress exercised this power of prohibition, inflicting penalties on those engaging in the foreign

slave trade, and which still remain the law of the and.

True, sir, this clause is a *recognition* of slavery, but only to stamp condemnation upon one of the sources of its existence, and instead of affording protection, it prepared the way for the abolition of an infamous crime, an offence against the laws of God and of man, meriting and receiving the highest punishment known to human laws. Still, upon this clause, it is claimed, arises a compact between the North and the South. It is a well-settled rule of law, that a contract made to do an act which would subject the party to a criminal punishment, is void, and no court will enforce its execution.

Mr. Chairman, I have noticed and reviewed all the clauses of the Constitution which I understand are claimed to have a bearing upon the question, viz: that relating to representation, to fugitive slaves, and the foreign slave trade. And to me the wonder is, that any person, even under the force of strong prepossession, can fail to see at the first glance of the mind, that the two former provisions were never designed to *establish*, *extend*, or *protect* slavery; nor as a result can they produce that effect. And by no rule of reasoning whatever can the abolition clause, relating to the foreign slave trade, be considered as sustaining this Southern doctrine. To me it looks like great folly to claim that the Constitution permits the master to take his slaves into the Territories, and there protects him in his right of property. Such a use of the public domain was never intended, and as a constitutional right has no foundation. The South may enslave her fellow-man, until her slavery shall make barren her soil, and dry up every source of her enterprise. But, sir, let the nation beware how far it sanctions its extension, lest that Power which has hitherto so carefully watched over its well-being, shall bring about the fulfillment of the prediction of Mr. Jefferson, "So true as there is a God in Heaven, so true will this nation be punished for its slavery." And, sir, are we not near the realization of the punishment? Revolutionary language has been as common in this Hall as household words. For four weeks the business of legislation was suspended, during which time the Constitution was trampled under foot, and disorder and confusion held dominion over the Hall of legislation. The progress of legislation during the entire session thus far, has been retarded and held in check by the influence of slavery. And, judging from appearances, the purpose of some seems to be settled, to bring upon the country civil war, unless the boundaries of slavery can be further extended. Such an event I do not anticipate. Though her language may be imperious, and revolutionary in its character, yet to such an *extremity* I am not prepared to believe the South will *venture* to go. Should a civil war be forced upon the country, time will never efface from its history the fact, that the occasion, was the demand, that a portion of the public domain, NOW FREE, be converted into SLAVE territory; affording to the world a new illustration of the principles of a free and republican form of government, as little likely to be imitated by other nations, as to contribute to the honor of ours!

The South seems to forget that this institution and its property is different from every other institution and every other kind of property, and that it is dependent upon local authority for its existence at all. The North will never consent to its further extension. With them it is a question of principle—with the South of property in human beings; with the North of humanity and liberty—with the South of slavery and bondage.

As to the justice of the claim, aside from the question of constitutional right, the early history of the nation may afford us some light. My review, however, shall be brief. Under the Articles of Confederation, the ordinance of '87 was established over the nortwestern territory, and contained the clause which gave it freedom from slavery. At that early day there was but little difference of opinion about slavery. The sentiment of the country was against it. The unanimity with which it passed in Congress of the Confederation, and afterwards received the approval of the first Congress under the Constitution, should be satisfactory evidence, that the general sentiment was opposed to extension of slavery, and that all, or nearly the whole country, looked forward to its final extinguishment. The fact that anti-slavery was thus early approved and attached to the first territorial government, now constituting several of the most flourishing States of the Union, goes far to determine two points: *First*, that the sentiment of the country was against slavery, and for freedom. *Second*, that it was not to be suffered to extend beyond the then existing States, and prohibition was then the settled purpose of the country. The constitutional Convention, in effect, reaffirmed the ordinance by the clause relating to the foreign slave trade. As already noticed, the power of prohibition of the trade was suspended until 1808, but the northwestern territory was not included in the suspension. The language is, "The migration or importation of such persons as any of the *States, now existing*," &c. The power of Congress then was left open, to legislate at any time against the slave trade as to the Territories or any future-admitted States. The sentiment of the country was further and fully illustrated, and in the most *effectual* manner, by the abolition of slavery from several of the States where it existed.

Slavery is opposed to the institutions of the country. We profess to be a nation of freemen, enjoying rational liberty in its largest extent. Our profession rests not merely in assertion, but the archives of the nation bear record evidence of it. To our shame the profession is false—the record is not sustained by our practice. The statesmen of the early days of our Republic stamped disapprobation upon the system. Slavery was among us, it could not be eradicated at once; but evidently they anticipated its future abolition. The leading men of that day, including Washington, Jefferson, and Madison, looked upon it as a national evil—as a living slander upon our institutions, and desired its eradication.

If we desire to know the opinion of more modern times about slavery as a natural and moral evil, impairing every enterprise of the country, we have it in a full-length portrait, drawn in the Virginia Legislature in 1832, when there was a protracted discussion upon the subject of slavery. It was not the work of one artist, but of men, chosen and selected by the people, for their eminent abilities and experience. Some of the master limners of the State did not fail to present slavery in glowing colors and bold relief, with its desolating influences upon every depart-

ment of the social and business world. Had I time, sir, it would afford me pleasure to refer to some specimens of the work. Among them I recognize the hand of the honorable member from Virginia, [Governor McDowell.] Liberty owes to him a debt of gratitude for his eloquence and independence on that occasion; history will praise him, and the day will come, (though it may be after he shall be numbered with his fathers,) when his words and the proceedings of that Legislature will again speak, and have their persuasive influence upon the mind of this "Mother of States."

I am opposed, Mr. Chairman, to the compromise bill of the Senate. The union of several and entirely different propositions, in the same bill, is objectionable. It presents a system of log-rolling, dangerous in legislation and unauthorized by any parliamentary law. It embraces palpable error, and the principle is opposed to honest legislation. Why are measures, diverse and in no respect congenial with each other, blended together, unless it be to carry through other measures, by hanging on to the skirts of California, and thus drag in their passage? A proposition that cannot stand alone and upon its own merits, should not stand at all. This is a system of legislative coercion, for which even the claims of California for admission into the Union, strong as they are, can furnish no apology. Members may favor some of the propositions, and their judgment and honest conviction oppose others. Let this compromise doctrine of legislation prevail, and what becomes of the integrity and independence of the representative? He but compromises his conscience by saying, give me my proposition, and I will yield to your unjustifiable demands.

The design of this compromise measure may be pure, and founded in the best motives, but the principle is fraught with mischief and inculcates the doctrine, "*let us do evil that good may come.*" Had Senators retained their first position, and gone for California disembarrassed from "entangling alliances," she might now be in the possession of a State government, and her Representatives members of the national councils.

The plan of the late and lamented President is free from such incongruity, and no other could have been devised so unexceptionable or so just in principle. Without the force of precedent, there could be no objection to the admission of a State into the Union which had not undergone the pupilage of a territorial government; but we are not without authority, several States having been admitted under the same circumstances.

Has the Territory sufficient population? and does her constitution present a republican form of government?—are questions which should determine the action of Congress. These are the only questions, and if the facts furnish an affirmative answer in the case of California, she is entitled to full admittance as a State into the Union. The Territory was one of the sister States of a neighboring Republic, and comes to us through the treaty with Mexico. She asks, in her new relations, to be adopted one of the daughters of our Republic, with all the rights and privileges of that relation. For this her native population has a claim under the treaty which severed her from her former connections; and our own citizens, who have joined in the rush of emigration thither in tens of thousands, demand this recognition by the Government. But, sir, against the recommendation of the late Executive in his annual and special messages to Congress —against the urgent and unanimous solicitations of her people, and against every principle of justice, slavery interposes, and demands, as a condition of her admission, the passage of several provisions having no connection whatever with the people of California.

Will Congress force upon her, or upon any other Territory, an institution not of its choice, but offensive, and which she deems opposed to her welfare?

Had the President recommended a territorial government with slavery, it would have met with opposition from the North; or with the ordinance of '87, it would have been equally exceptionable to the South; or had he recommended a territorial organization, silent upon the great agitating question, it would not be satisfactory to the North, without the application of the proviso; for the Calhoun doctrine *then* is, that the Constitution would protect slave property; and though this doctrine may be universally discredited in the North, yet this southern assumption justifies and demands its application. The result in either case, therefore, would have proved its rejection. The President's plan leaves the question with the people of the Territory, to decide for themselves. This they have done, and done it in accordance with natural rights and their own best interests. In the purity of his motives, and the wisdom of his plan, is plainly seen his desire for the peace and harmony of the Union, and for the country its lasting prosperity.

Mr. Chairman, I repeat, that in my opinion, the claim of the South for protection in the Territories has no constitutional foundation; that it is a mere pretence, holding out the appearance of a right which cannot be sustained; and she must rely upon some other expedient for its support. And what can it be? She talks about the treasures of money and blood expended in obtaining the acquisitions. True, sir; and the free States appropriated their full share of the expense of the conflict, and are now willing to occupy them in common upon the same even terms, and with those commodities which are universally, by all nations, deemed subjects of property. If the nation derives any honor from the possession and occupancy of this blood-bought treasure, let the honor constitute a joint-stock fund, and let the revenue of national glory (!) arising from it, be the common property, and for the joint use, of the entire Union.

Is the North under any moral obligation to give a portion of the acquisition to slavery? If it be a beneficent institution, then the argument founded upon national courtesy, may be with the South. But so far from being such, it is held by most of the civilized nations, as immoral and unjust to the last degree. Why have several nations declared by treaty compact, the slave trade piracy, but because of its repugnance to the moral sense of mankind? Is not this a judgment upon its morality? And where is the difference in principle or morals, whether a man is torn from his family in one of the slave States and sent to a more southern market and sold into bondage, or whether he is brought from a foreign shore? Slavery is the object, and slavery the end. Indeed, sir, so palpably wrong is the whole system, that the South will not discuss its morality, and rests solely on

political grounds. The honorable member from Alabama [Mr. HILLIARD] says in his speech, "I 'shall not consent to argue this as a moral question, 'this is no place for such discussions; the question 'is purely a political one. This Government was 'not established to regulate moral questions, but to 'protect political rights." This is a consistent conclusion to come to—the system leads to it; for no person *can* engage in the traffic of human flesh without closing his eyes, lest his moral vision be disturbed. Jefferson looked upon it as a national sin, and predicted the judgment of Heaven upon the nation, as offenders engaged in a merciless war upon human rights. And it is written by a higher than human authority, that "righteousness exalteth a nation, but sin is a reproach to any people."

Though the Government "was not established to regulate moral questions," it is not therefore to be inferred, that the nation has an unlimited license to disregard every moral principle; for there is, or should be, such a thing as political morals—the morals of the nation as a political body—a principle which should be respected in all the various departments of government, diffuse its elements into every national movement, and stand as an enduring beacon-light for the safe administration of our institutions. When morality, as a constituent principle, shall be discarded from the councils of the nation and from the deliberations of Congress, then the language of Mr. Jefferson, which I have quoted, may be engraven upon the tombstone of this Republic.

Mr. Chairman, I have intended to look impartially upon this important question, and by an honest examination of the whole subject to come to such a conclusion as to me seemed consistent with justice and in accordance with the Constitution and laws of the country. From principle I am opposed to slavery. The free States harmonize on this question, and are sending forth their sentiments not only to the States of this Republic, but to the world; nor is the South without many advocates for freedom and for emancipation on some feasible grounds. Other Republics which have risen up within our day, have based their organic laws mainly upon the principles of ours, with the rational addition of interdiction of slavery forever from their borders. The pupils have become wiser than their teacher.

I consider the South has no claims to any portion of the public domain for slavery under the Constitution. I regard slavery as a moral wrong, and, in the language of the Supreme Court of Kentucky, is "*without foundation in the law of nature.*" It has afforded me no pleasure to take position antagonist to a large portion of the Union—a sense of duty is my apology for so doing. I shall not regret the effort, if my discussion of the Constitution shall provoke a review of my positions, and a demonstration of the right of the South, *if any she has*, for extending slavery. It rather becomes the country fairly to discuss the question of LEGAL RIGHT, than rashly hazard an enterprise at once calamitous, the end of which no one can foresee. Under the claims of the Constitution, if at all, the South must succeed; for there is no principle found in moral or natural law that will justify her demands.

Mr. Chairman, I have no "*homilies*" for those who favor slavery extension. Besides, I am warned against such a task by the honorable member from Alabama before referred to; but I ask them to pause, and examine fairly the whole question, and count the cost in its every aspect, before they take the fatal step towards a dissolution of this Union.

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SPEECH

OF

HON. JOSEPH M. ROOT, OF OHIO,

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 15, 1850,

In Committee of the Whole on the state of the Union, on the Resolution referring the President's Message to the appropriate Standing Committees.

Mr. ROOT addressed the Committee as follows:

Mr. CHAIRMAN: In the remarks which I shall submit to the committee I do not intend to wander far from that portion of the President's annual message which relates to the Territories recently acquired from Mexico. I shall first notice his recommendation respecting California; and I beg leave here to say, that perhaps under other circumstances I should feel disposed to criticise some of the proceedings which led to the formation of a constitution for California and her application to be admitted into the Union as a State. I might think that a better boundary might be prescribed for her on the east. Yet as things now stand I am perfectly willing, ready, and desirous to have her recognized as a State with her boundaries as they are. I go further, and say that I wish her eastern boundary were the Nueces instead of the one she has prescribed for herself. Sir, with all that territory, California would not be much larger than Texas—certainly not larger than Texas would be if she could get all she claims; and it would enable us, if she were admitted, a State of that size, to make some of those fair compromises of which we have heard so much of late. We could then carve out of California a free State to go along with any slave State that might be carved out of Texas. But that is out of the question now; and I only repeat what I have said before, that in the present state of things I am glad that California has so much territory within her boundary, and I shall go for recognizing her as a State, admitting her into the Union, and ratifying all that she has done in the premises, notwithstanding any irregularities that may have attended those transactions.

So far I am ready, Mr. Chairman, to second the President's recommendation. But he has gone further, and has given us advice with respect to the residue of the territory acquired from Mexico. He does not tell us what he desires us to do, but tells us he desires us to do nothing; that we should let New Mexico and the rest of that territory alone—have nothing to do with it. Again, with respect to the boundary of Texas, he desires us to let that alone, too. He warns the legislative authority not to interfere with that matter.

Here, sir, I cannot follow his advice; here I must be permitted to question the wisdom of his recommendations. I am for doing something. I believe that Congress has a duty to do, and I am for having it done *by Congress*. And I would like to have that done which I believe best, not only for that territory, but best for the whole country; and I believe that, so far as the question of action or non-action is concerned, a large majority, both in this House and in the other branch of Congress, are in favor of it. Certain I am that the let alone policy—the "masterly inactivity" policy—cannot find many friends among the people. To be sure, there may be very wide differences of opinion among gentlemen. Some may desire that one thing, some another, and some that still another thing should be done; but I believe that there is a majority of this House who are in favor of having something done. Most gentlemen seem to think that action, and prompt action, is required at our hands; and I may be permitted, I trust, to express my surprise at the wonderful change that has been going on in the mind, not only of the President, but of a good many of his northern friends, since the close of the last session of Congress. I need not tell you how urgent the friends of the President were then to have some sort of a government provided for California. I do not, of my own knowledge, say that the President was urgent. I never heard him say a word on the subject; but it was said he was; and a paper in this city, professing to be advised of his opinions, and to speak for him, said he was very anxious indeed that Congress should provide some government for California. Why, his conversations were published in many newspapers—whether correctly or not I don't know; but it was asserted, and so far as I know not contradicted, that he urged personally upon members of Congress, "For God's sake to provide *some* government for California, beside the government of the bowie-knife;" and the only dispute about what his views and wishes were, was as to the kind of government which he desired. Some gentlemen insisted that he favored the proposition which originated in the Senate, and was stuck on the civil and diplomatic appropriation bill—known as the Walker amendment; others said he was perfectly indifferent as to what kind of government it was, so that some government was provided. Well, Congress did not provide any government. You know why, Mr. Chairman, as well as I do—any member of the last Congress, who was present at the close of the last session, must have understood

perfectly well why a government was not provided for California. It was not the fault of the House. The House, in season, passed a bill providing a territorial government for California; they sent it to the Senate in time for that body to have acted upon it, if they had been disposed to do so; but that august body did nothing with it; they laid it away, and it was never heard of again. The next we heard from them on the subject was a money bill—the civil and diplomatic appropriation bill—with the Walker amendment attached to it. I think it was pretty generally believed at the time by the friends of the present Administration, and perhaps by others, that that amendment was to become a law. I cannot speak authoritatively, but I know we had a very decided expression of opinion from gentlemen, then and now members of this House, that it would pass. The men who were to pass it were, it was said, all counted and booked; and if the screws only stuck, we were told it would go through. We had some exceedingly tight screws, and then again a good many loose ones. The latter gave the former a good deal of trouble and vexation of spirit. All who were here at the last session must remember that last memorable night—Saturday night and Sunday morning. We remember what efforts were made to pass that Walker amendment, and we remember how it was defeated. It never was relinquished until it became a "fixed fact," that, if insisted upon to the bitter end, the whole civil and diplomatic appropriation bill must be lost. Ay, I know the fact now, and I knew it then, that there were a sufficient number of men bound to that purpose; and they would have carried it out if God had spared their lives and strength. Yes, sir—I was one of them. Never, never should the Walker amendment go through the House, if we by any legitimate proceedings could prevent it. We are told that southern gentlemen have that example in view.

A VOICE. Yes, and we intend to profit by it.

Use it sparingly, gentlemen. We had only thirty-six hours to fight against. I believe if we had had thirty-seven some of our men would have given out, and they were precisely those who were fiercest at first. If you begin six months beforehand you will get out of breath, I think. Don't jump too quick, nor take too long a start. Take it coolly, as we did, and then—good luck to you.

Let me inquire again why it is that the Administration, which was no longer ago than March last so anxious to provide some kind of a government beside a "bowie-knife government" for California, which then had a population, I believe, not exceeding 20,000, should now, when we come to consider of a territory containing a population of at least 100,000, think a "bowie-knife government" is just the right sort of government for them? If they wanted a law enacted for California last session, why not have a law enacted for New Mexico now? If a bowie-knife government would not answer for California then, with a population of 20,000, why is a bowie-knife government good enough for New Mexico now, with a population of 100,000? "Oh! there is a little alarm among them about Indians; but then there is a sufficient military force to protect them." Is that all the danger? What say the people, or rather, what says their convention, of their wants, wishes, and condition? If there was ever a people belonging to the United States that needed law, a clear law, a law that can be easily understood and promptly and impartially executed, it is the population of New Mexico. Why, it is as incongruous a population as it is possible to find on the continent. A great many of them have but a very small dash of white blood, others have a pretty considerable dash of the African. No matter what their blood or race is; no matter how or of what that population is made up, they are all our fellow-citizens now—made so by the treaty; and it is too late now to regret the possibility that some of them may be sitting along side of us here before a great while. That you should have thought of before, whilst you were carrying on a war for the acquisition of territory——

Mr. JONES here interposed and put some question to Mr. R.

Mr. ROOT. I cannot allow the gentleman to interrupt me—with all respect. If there is anything unsound in my argument, the gentleman can get the floor and answer it hereafter.

I insist, Mr. Chairman, that we should go forward, and provide some sort of a government for New Mexico as well as admit California into the Union as a State. I insist that it is our duty; that it is due to those people; that it is due to the people of the States. Why, how long is it since we had a great clamor raised here about Minnesota! Everything was going to wreck and ruin because Minnesota had no government—Minnesota with less than ten thousand inhabitants then, and with but little prospect of a very rapid increase, for it is in the hyperborean region. At this season of the year traveling is done there on snow shoes. It is a good lumber country, a fine country, in many respects, and it will be peopled when our northern people have nowhere else to go, and some may prefer perhaps to go there when they could go elsewhere. But there was a great necessity, it was said, for a territorial government there! and my colleague [Mr. SCHENCK] really incurred a good deal of censure at the time because he insisted that we should be careful what kind of a government we provided for those people, and that time should be allowed to examine and perfect the bill. The case was so urgent, it was said, that the bill must be passed at once.

I am unwilling to leave the people of New Mexico, Deseret, &c., without law, or without officers duly authorized to administer the law. I am unwilling to allow Executive discretion as wide scope there as it has had in California; and I am still more unwilling to allow the military government that seems to be the only one that the United States has provided for those people, to continue longer. Such things were bad enough in time of war—they are intolerable in time of peace.

Indeed, sir, so obviously proper is it that Congress should provide a territorial government for those people, that some of the wisest of the friends of the Administration in Congress, have, in the face of the recommendations of the Executive, expressed a determination to bring in a bill or bills for that purpose; and I only regret that they do not propose to have their bills contain a prohibition of slavery in all the territory; but the bills might be amended by inserting such a prohibition, if there were even in this House a majority in favor of it. I am for doing that. I believe it to be not

only the right but the duty of Congress to insert such a prohibition. I believe we have the authority to do it, and that a majority of the people of the United States desire that it should be done; that it would be better for the United States, better for the people of the territory, better in every respect that it should be done. I will not enter into an argument here about the effect of the law of Mexico, the law of the country as it existed when we acquired it. Suppose, sir—and I will not dispute the fact—that the law in and of itself prohibits slavery; we know that a large and respectable portion of the people and of the people's Representatives insist that it does not exclude slavery. They claim that the people of the slaveholding States have the right to go there with their slaves and hold them as they could at home in their own States. While men of wisdom, patriotism, and determination, hold that this is the fact, that this is the clear law of that land, that this is their undoubted right, and whilst they declare that they will exercise that right, are we to be told that it is unnecessary and inexpedient to settle this vexed question? However clear my own opinion may be, since a respectable portion of my fellow-citizens entertain a different opinion, I will go for settling the dispute, for quieting the controversy, for putting this bone of contention out of the way forever.

Well, sir, what are the objections to the enactment of this prohibition against slavery in those territories now free? Why should it not be done? If a majority of the people desire it, if a majority of their Representatives and Senators will vote for it, why should it not be done, let me ask. "Oh, because it is a disturbing question—because it will disturb the harmony of the country!" I strongly suspect that this argument is based rather upon the fear that it will disturb the harmony of party—that it is a good deal more on account of its disturbing the harmony of party than the harmony of the country. Again, it is said that it would be "aggression" upon the slaveholding States, and we are warned, solemnly warned, and exhorted—gentlemen say they don't intend to menace us—but to warn us to cease our aggressions!—the South will never submit to them! Are not gentlemen mistaken as to the fact of there ever having been any aggressions upon them? Why, who has been gaining most relatively since the Constitution was adopted? What kind of results have followed these long-continued aggressions on the South by the North? What was the state of things at the adoption of the Constitution? There were thirteen States. To be sure slavery in some form still existed in a majority of them; yet there were not to exceed five that did not at that time contemplate an almost immediate abolition of slavery within their respective borders. And, sir, there were not to exceed three whose delegates in the convention did not express the hope that the day was not far distant when it would cease to exist entirely. I do not say that they were unanimous in this expression. There were men from Virginia and from North Carolina who expressed the wish and the hope that slavery should be abolished in those States.

Mr. ASHE interposed, and wished Mr. R. to mention the name of any man from North Carolina who, in the convention, expressed the hope that slavery would be abolished in North Carolina.

Mr. ROOT. It wasn't the gentleman, nor any of his ancestors. [A laugh.] I think I am correct in the statement I have made; but if there were even four States whose delegates did not express the hope that slavery would be abolished in their States, there was a majority of anti-slavery States. There were all the New England States, New York, New Jersey, and Pennsylvania—anti-slavery States. To be sure, New York, New Jersey, and Pennsylvania had slaves, but they were all looking forward to the time when they would get rid of slavery. It was an anti-slavery convention; there was a majority of anti-slavery States represented in it. And what did the first Congress that assembled under the Constitution do? The Representatives from all the States, acting together, provided for organizing a territorial government for the only territory we then had—the Northwest Territory—for excluding slavery therefrom, and for creating five additional States, to be formed out of that territory, and every one of them was to be a free State. So that the anti-slavery States at that time outnumbered the slave States; and it must have seemed probable, if not certain, that the disproportion would shortly become still greater. Certainly, the "balance of power" was not deemed essential to the safety or welfare of the slave States then. That is a new idea. At that time they could not and they did not contemplate that there was ever to be an equal number of slave States to free States in the Union. But the acquisition of Louisiana, and Florida, and Texas since—events which could not then have been foreseen—gave the slave States great advantages over the free States; till now, after "sixty years of aggression by the North upon the South," there are just as many slave States as free States in the Union, and gentlemen tell us that it would be an unheard-of outrage for a free State to be admitted into the Union without at the same time admitting a slave State.

I may add, that the framers of our Constitution seem never to have contemplated the acquisition of territory from other nations. If they did, they made no express provision for its disposition and management. Doubtless they had a distinct idea of what kind of authority might be exercised under the war-making and treaty-making power. But all the provisions of the Constitution relative to territory seem to refer to the territory which the United States then possessed; but it by no means follows that Congress has not authority to make laws for and to govern the territory we have acquired since. Under the treaty-making power we have both acquired and ceded away territory, and yet it is claimed that the law-making power of the United States may not govern such territory. Sir, it always has done it. Southern Representatives and Senators and Presidents have assisted in doing it, and it is now too late to urge that they have acted without authority.

Indeed the power to prohibit slavery in territory belonging to the United States has been exercised by Congress again and again, and just as often conceded by southern statesmen; but if it were not so, we might well say to those gentlemen who deny the power—show us the power to acquire and to cede away territory, and we will show you the power to govern it.

There is no doubt, then, Mr. Chairman, as to the power, the right, of Congress to legislate over

this subject—to make such a prohibition. There are some of the non-action, non-intervention gentlemen who entertain notions which I will not undertake to describe—for I never could understand them. But I believe that a large majority of the people and of their Representatives agree upon this: that Congress has the exclusive right to legislate for the Territories. There is a difference of opinion as to the extent of that right, but there is no difference in the minds of a vast majority both of the people and their Representatives, that Congress has the exclusive right; that there is no other authority to legislate over the Territories than that which is exercised by, or derived from, Congress. And how is the power of Congress over this subject limited? By the rights of the States? And what are the rights of the States as such in the Territories? Not to carry their *laws there* and have them enforced, certainly, but to have laws for the Territories made by Congress, in which the States are all represented. One State has no more right to control the Territories than another; nor have all the States any right to control them. It is Congress, and Congress alone, that has any and all authority over them; and it would be impracticable for any authority to be exercised over them except by Congress. A pretty business the thirty different States would make of it if they were all to legislate separately for the Territories according to their various views of expediency and propriety; and a pretty code it would be if all the laws of all the States were put in force there. And yet, if one State might make laws for the Territories, all might, and all would be equally binding.

It sounds queer to hear gentlemen, in the same breath that they tell us Congress has no right to prohibit slavery in the Territories, offer us a compromise—how? Why, by Congress prohibiting slavery north of a certain line, and saying nothing about it south. Is it constitutional, then, for Congress to prohibit slavery north of 36° 30′, or of some other line which may be agreed upon by the parties, but unconstitutional to prohibit it south of that line? Why, after you tell us it is unconstitutional for Congress to prohibit it at all in any of the Territories, what kind of a compromise do you offer us when you agree that it shall be prohibited in a portion of them? What does an unconstitutional prohibition amount to? What do we get by such a compromise? Why, merely a prohibition which is good for nothing. We could not make such bargains—however much in a bargaining mood we might be. I dont know what others may do—I am not a compromising man. I cannot compromise upon a constitutional question—I cannot compromise upon a question of human freedom—and, so help me God, I will not. I tell you I belong to that reviled political sect, the Free Soilers. I go against any slave territory, any more slave States. You shall have no difficulty in making up an issue with me. Perhaps it is vaunting too much to say so; but I trust you will have no difficulty in getting me to a trial—bring this cause to a hearing as soon as you please—God and the country decide between us. I believe that delay is the cause of more trouble than anything else. Why, this question ought to have been settled long ago. I tell you, if you settle it by the legislative power of this Government against my views of right, I will submit. I believe I may say the same for the mass of the people of the North. But if it is settled against you—if slavery be prohibited in these Territories, we are told you will not submit: no, you will never submit. You will not submit to degradation! You roll up your eyes in astonishment at the mere introduction of such a proposition into this House. Have you really, sir, been taken by surprise? Did you never hear of such a thing before, or did you think northern men were not in earnest when they told you that they should endeavor to exclude slavery from all territory to be acquired from Mexico? I confess they have given you but too good reason to think so.

You, Mr. Chairman, are a southern man, and a friend of the late Administration. You were a member of the 29th and 30th Congresses, and an ardent supporter of the Mexican war. Let me ask you, sir, what was that war begun and prosecuted for? Was it not for territory? and was it not obvious from the beginning that it would only result in the acquisition of territory? and was it not just as obvious that when the territory should be acquired, the strife that we now have must come? Were you not warned, over and over again, that the attempt would be made to exclude slavery from it, and that it would be persisted in to the end? Yes; but you and your friends sneered at the warning. You confidently expected to be able to appropriate the whole or the greater part of it to slavery. Had you believed that you would not be able to do that, the war would have ceased; indeed, it never would have been begun. A southern President and southern members of Congress will never go to war to conquer *free* territory. Did not your late candidate for President, writing to a friend in time of the war, say that the Wilmot proviso would be death to the war and death to the Democratic party? Aye, and he never said a truer word.

Mexico is weak and distracted. Her condition invites aggression. Her mines and her valleys now and ever will hold out almost irresistible temptations to our southern brethren to provoke war with her, which must always result in the conquest of her territory; and the sympathy of her people with the African race will always afford means of provoking war. Only one thing can prevent such wars, and that is to convince the southern people that the territory, if conquered, must ever remain free. That will do it, sir. Let the people of the slave States be assured that whatever territory may hereafter be conquered of Mexico will be free, and they will keep the peace towards that country without bonds.

Now, it is quite obvious that if the Territories or States bordering on Mexico should be slave soil, then the adjoining Mexican territory, when acquired, would become slave soil; and that if, on the contrary, our border should be free soil, any future acquisitions of Mexican territory must also be free soil. And it is only when we view the question in this light that we can see all its importance. By prohibiting slavery in the territory already acquired from Mexico, we exclude it forever from the territory yet left to Mexico, and, what would be no less desirable, we should prevent future wars of conquest being waged by this country against that, and which could not fail to provoke the wrath of a just God against us. It is for these reasons that I say it is our duty to prohibit slavery in the Territories;

and I wish that this House, at least, would always stand firm upon this ground. I once thought it always would—that it would never abandon this position. And permit me to tell you that so long as this House shall stand firm for free soil, no matter what the Senate may do, no matter what the President does, the cause of freedom will be safe. Just let it be understood by the people of the Territories that they can never come into this Union as a State—that the House will stand in their way and keep them out as long as slavery is tolerated in their constitution, and, sir, we shall have no slavery constitutions presented here. That is what put freedom into the California constitution. That, if anything, will put freedom into the New Mexico constitution, if you only make them understand that they cannot get into this Union with a constitution tolerating slavery. If this House will only do its duty, and stand firm upon this ground, if the majority will obey the will of their constituents, slavery never will be extended.

No thanks to the President, or his Secretary, or his special agent, for the prohibition of slavery in the constitution of California. I believe, and think I have good reason to believe, that they would each have preferred that that constitution should have been silent on the subject; but the disposition that this House had manifested deterred southern men from taking their slaves there, whilst the newly-discovered gold mines drew hardy adventurers from every part of the free States, and thus a large majority of the people there were for free soil, and the politicians made their acts conform to the will of the people.

The case is different with New Mexico. It is easier of access to the southern than the northern people, and hence more of the former than the latter will go there. No rich mines of either gold or silver have as yet been discovered there to attract an extraordinary number of free laborers from the North to the country; and unless slavery be prohibited there, the attempt will be made to introduce it, and probably successfully made.

But, sir, within a very short time the ground which this House did at first occupy, the ground which the last House occupied, has been surrendered and given up, and now we are told by our southern friends that the Wilmot proviso is dead—that your anti-slavery cause has been abandoned by the House, and that its real friends are the derision of the majority. It must be exceedingly gratifying to those Representatives of free northern constituencies who voted down the Wilmot proviso the other day, to be told to their faces that the Wilmot proviso is dead; that it has been murdered in the house of its friends; that its own professed advocates and supporters have trampled it under their feet. That is the way it was killed, if killed it has been. But don't take that as a settled question. So far as this House can kill it, it has, I confess, been killed; but I tell you it is a living, abiding principle in the hearts of the people of the free States. And it may turn out after all that instead of killing the Wilmot proviso those patriotic gentlemen have only been committing suicide. There are not ten men in this Hall coming from free States that could have got here had it been understood by their constituents that they were opposed to the Wilmot proviso. There are not two Whigs from free States who could have got here had they told their constituents before they were elected that they would do as some of them have done since. But there has been a great change going on in the public mind; a marvelous light has been let in upon the minds of some gentlemen. Why, when this question first arose this session upon the motion of the gentleman from Georgia, [Mr. STEPHENS,] to lay the resolution upon the table, that motion was lost by some eighteen or twenty majority. In three or four weeks the same motion was made, and was carried by 26 majority. That is very fast for even the arguments of power and patronage to work upon minds open to conviction. Yes; we get a message from the President—no Executive interference, of course—but we get a message recommending non-intervention; or is it non-action?—I am not sufficiently schooled in the court dialect to detect the difference,—and thus it is understood what kind of action here will be acceptable at the other end of the Avenue; and that is enough for certain gentlemen. It gave them their cue; it taught them the way to pay court to the powers that be—to make themselves acceptable to the great Taylor republican Chief and Cabinet—and down went the proviso. And yet some of these very gentlemen at home, a very short time since, were finding fault with free soilers for not going far enough on this question of free soil. I could not keep up with them in Ohio when I refused to support such a free-soil candidate as General Taylor. They doubted my sincerity. It was apparent to all, that had it been believed in the South that he was for the proviso, he could not have got a southern electoral vote. I think there is no doubt about that. And had it been known in the North that he was against it, and would use his influence against it—that he would send such messages to Congress as he has sent since the commencement of this session, he could have got but a precious few there. The "indomitable anti-slavery Whigs" of New York and Pennsylvania might have done something for him. But out of those two States he would not have gone far. It was evident that either the North or South was to be deceived—the Wilmot-proviso men or the pro-slavery men. It was a pretty even chance some thought; but I confess I deemed the sugar plantation, with three hundred slaves, would be a *little dust* on one side of the balance. But it was nothing more than a game at the best. I neither wanted to cheat nor to be cheated; and hence I took no part in it. I stood out. And now we find how the thing works. We are to have nothing done. And here, gentlemen, the friends of this Administration, who boasted of their devotion to free-soil principles before their constituents, who are in favor of doing nothing now, vote to lay on the table the Wilmot proviso. Not all of them do that. There are among them many who do not vote at all, though they are here or hereabouts. It is bad enough for gentlemen representing constituencies in favor of the proviso to vote against it, but it is worse—at least I regard it as worse—for such to refuse to vote on the question. Better, sir, vote wrong than dodge. What a scattering there was here when the yeas and nays had been ordered on the motion to lay my resolution on the table. Some gentlemen had not even time to take their hats out with them. What a number of friends we had calling on us at that moment. What a sickly season that was,

and what a spectacle the whole thing presented. Gentlemen each representing at least 70,000 free people, and authorized to speak and act for them, neither spoke nor acted at all. They, sir, are the true *non-actionists*. They carry out the views of the Executive in spirit and in truth.

It is not long, sir, since my friend and colleague [Mr. SCHENCK] made an eloquent speech here, in which he handled us Free Soilers pretty roughly, because, as he said, we had refused to vote for a decided and consistent friend of the proviso, and had thereby contributed to the election of a slave-holding Speaker. It is true that we might have voted for my friend's candidate, and possibly, with our votes, he might have been elected; but what kind of a Speaker should we have got if he had been? Why, one of these non-actionists. A friend of the proviso, sir? Yes, a friend

"Willing to wound, and yet afraid to strike"

the proviso. Between such a friend and an enemy, I think there was not much to choose, though, as a general rule, I would prefer an open enemy to a skulking friend.

The friends of the Administration, by their celebrated "plurality rule," sought to make the Free Soilers choose between their candidate and the present Speaker. They sought to drive us on to their favorite ground—"a choice of evils"—but we would choose neither, sir. They were caught in their own trap, and were constrained to vote to confirm the election of the very man they had *professedly* tried to defeat. It was very natural that they should feel vexed, still they ought not to have charged the result of their bad management over to the Free Soilers; but they are welcome to all they can make out of it. If we had even lacked a good reason for our course at the time, their candidate has been so obliging as to furnish us with one since. I would suggest to my friend, that when he publishes a second edition of his speech, he should add a note informing his readers that the Wilmot-proviso candidate, for whom the Free Soilers would not vote, would not himself vote for the proviso afterwards. No, sir, he was not in his seat, nor is he now.

There is another possible motive for the conduct of the non-actionists, which has just occurred to my mind; and as I am willing to ascribe the best motive that the case will admit of, I will state it. It may be, that these gentlemen had been forewarned that the proviso was about to be done to death, and that as their tender sensibilities would not permit them to witness the execution, they just stepped out until it was over. If gentlemen can think of anything better than this, I wish they would suggest it.

What reason, Mr. Chairman, will northern gentlemen, who profess to be opposed to the extension of slavery, and who yet voted against the proviso or refused to vote at all, give for their action or their non-action? Thus far they have been as dumb as fish; but some of the newspapers have reasons as thick as blackberries for both sorts of gentlemen.

First, they say the resolution was premature. Was it any more premature the other day than it was a month before? Why did not they vote to lay it on the table when it was first offered? Is it any more premature now than it was at the last session of Congress? and yet at that session a similar resolution was passed by the House, and it called forth two bills—one for California and the other for New Mexico. Was a bill any more necessary for New Mexico then than now? It is a little singular to find these gentlemen following in the footsteps of General CASS so closely in all respects. He, you may remember, was vociferous for the proviso in August, 1846, at the close of the first session of the twenty-ninth Congress, when he regretted exceedingly that Governor Davis defeated it by his ill-timed speech, as he called it. At the next session it was *premature*, and at the next it was unconstitutional. When will these gentlemen arrive at that point also? Shortly, sir, if they keep the course they have started upon.

Next they say it is unnecessary. Unnecessary! Why was not this found out in 1848? That was one of General CASS's excuses then, and nobody denounced him for it more than these same gentlemen. I have already stated my views on this point. If gentlemen have any other reasons to give, they may give them themselves. I have mentioned their two best—no, not theirs, for they borrowed them both, or rather picked them up after the owner had thrown them away.

The Democratic Representatives from free States, who still adhere to the CASS doctrine of "non-intervention," would of course vote against the proviso. Nothing else was expected of them; but there are some who have professed to be in favor of the proviso, and yet voted against it the other day, and others who didn't vote at all. Have they returned to their first love? Didn't they get enough of non-intervention at the last Presidential election, or do they still hope to make another trial with the same or a similar candidate? Do they still hope to conciliate the South—poor men?

I rejoice, Mr. Chairman, to be able to say that there are many (I wish there were more) representatives from the free States, in this House, of both the great political parties, who not only talk in favor of Free Soil at home, but vote in favor of it here. Gentlemen who can neither be prevailed upon by threats on the one hand, nor cajoleries on the other, to swerve from their principles or their duty; and however much I may differ with them on other questions, whilst this great question of the extension or non-extension of slavery remains open and unsettled, and whilst I hold a seat in this Hall, it will be honor enough for me to bear my humble part with them in our common effort to restrict slavery, at least to its present limits. If my voice could reach their constituencies, I would say to every true Free Soiler among them—look to it that your representatives be well sustained at home.

Now gentlemen talk about what will happen if the North shall continue its "aggressions." This is a purely speculative question, for I suppose, as far as this Congress is concerned, there is to be no further aggression. No; this aggressive policy is stopped; it has ceased. But, I have said, and gentlemen must pardon me if I still say and believe it too—that there is but one thing more absurd than this talk about the dissolution of the Union; and that is, the alarm which some gentlemen feel about it. Dissolve the Union! It is a mere speculative question, because the North will not go on aggressing. No; so many northern Representatives have already backed out of the proviso. And, judging from what has been the effect of these "solemn warnings" upon them, we can come at least to a guess as to what they will

do in future. A stranger coming in here fresh from the people might get some queer notions concerning the object and policy of the red-hot speeches that we sometimes hear from our southern friends. But, Mr. Chairman, nothing tells like them upon this House—nothing, sir. I don't question the sincerity of gentlemen at all. But if I could question it I should still be obliged to admit that the thing was well done—that it was politic at least—for it works like a charm. These "solemn warnings" knocked the free-soil out of some of the Representatives from the free States as the flax-dresser whips out shives.

This work of dissolving the Union would, if the North were to stand up to its position, be found a very different business from what some gentlemen seem to suppose. I remarked in the first part of the session that whatever might turn up, however the Union might be dissolved, gentlemen had better make their calculations upon one thing as settled, that the Mississippi river will be free as long as water flows in it. I say so still. I have been a little misquoted by the gentleman from Alabama [Mr. HILLIARD] and the gentleman from North Carolina, [Mr. CLINGMAN,] who represented me as having spoken of the *mouth* of the Mississippi merely. Gentlemen, we cannot take up with the *mouth* of the Mississippi. No, you cannot get off in that way; but I tell you the whole Mississippi, from its mouth to its source—whatever your southern convention may do, whatever resolves they may pass—will remain forever free to the people of the old Northwestern Territory. Aye, the children of the first born of the ordinance of 1787 would float up and down that river free whenever and as long as they please. That you may rely upon. And my friend from North Carolina [Mr. CLINGMAN] would get his ideas a good deal enlarged upon that subject if, instead of going to Saratoga and Newport, laying baits for "valentines," (a laugh,) he will come out to the Northwest, if he will look at our rivers and scrutinize closely the lads who navigate them. If he will go to the wharves of Pittsburg or Cincinnati; if he will go to any of our western river towns he will conclude at once that it would be the most difficult thing in the world to prevent the western boys from going the whole length of the Mississippi and back again—out and back, sir, at their own will and pleasure. Not that I doubt the chivalry, the gallantry and courage of the southern people. Not even the vaunting of that gallantry of which we have had a spice, can bring it under suspicion with me. Why, I would not own them for fellow-citizens if I did not think them brave. But I must say that a less gallant people might have their courage brought under suspicion by some of the talks we have heard. It is not the way folks confident in their own strength ordinarily talk. But then it depends a good deal upon how they have been brought up. [A laugh.]

Dissolve the Union! How will it work? Suppose you do meet in convention and resolve that the Union is dissolved, will that absolve the President of his official oath? Will he not stand there still clothed with the authority, armed with the power to execute the laws of the land? And would they be executed? Well, they would. There is no mistake about it. It would be right in his line of business. And let me suggest to you another thing that would follow as an inevitable consequence, the star-spangled banner, the spread-eagle, and so forth, with fifes and drums, and all that sort of thing, would be paraded through your States. I will say one word more—a mere matter of opinion of course—that you had better have a Frederic Douglass on every plantation of the South, lecturing upon the "God-given rights of man," than to have this kind of military fuss and parade among you. It wouldn't be favorable to your "peculiar" institution. [Laughter.] It would go a great way to enlighten your slaves as to the real, not market, value of weak heads and strong arms—the very material for mobs and insurrections. And if there is any institution on the face of the earth—not excepting the despotism of Russia—that should be conservative—that should shun everything like civil war, insurrection, or mob violence—that should avoid everything which goes to teach men with arms that they can, if they only make the right kind of an issue, overcome men with brains—it is your institution of slavery. And it may be, or rather might be, if we were now to have the will of the majority of the people of this country carried out, and you were to remain in your present frame of mind, that you would rush upon a crisis that would make it necessary for you to speedily execute in part what is evidently the decree of God—the extermination of slavery throughout the world. You might produce a state of things which would make it necessary to bring about, so far as this country is concerned, this result by your own means; aye, you might arouse and bring into action the war power—which is almost unlimited by the Constitution—the war power—the military despotism, that would use your slaves just as it would fuel or fodder, to promote its own success. When opposing armies should be marching and counter-marching through your land, do you suppose that you could keep all your slaves quiet? Would they be likely to remain neutral in a civil war?

Mr. Chairman, I find that without touching upon some topics to which I had intended to allude, my time is almost exhausted. I regret as much as any man can that the North—the free States, by their Representatives here—have fallen (in their works) so far short of the faith they professed. But I avow it as my opinion, as my decided opinion, that those Representatives have mistaken the will of their constituents. And, though I certainly make no threats, and would not, if I had the power to execute them, I believe that those gentlemen who have found it consistent with their sense of duty to vote down the proviso, or evade voting upon it at all, will get more light in one week after they reach their homes, than they did in eight weeks after they arrived here—and that was a great deal.

My time is so nearly out, that I will detain the committee no longer.

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SPEECH

OF

HON. W. A. SACKETT, OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES, MARCH 4, 1850,

In Committee of the Whole on the state of the Union, on the President's Message communicating the Constitution of California.

Mr. SACKETT said:

Mr. CHAIRMAN: Shall slavery be extended to any part of the territory we have acquired from Mexico, or be restrained within its present limits? This is the question I propose to discuss; this is the real question that has so long agitated and continues to agitate the country and this House. All other questions have become subordinate to it, and nearly or quite absorbed by it. Slavery in this District, the slave trade here, and all other slave questions, though of the greatest importance in themselves, are so inferior in magnitude to this, that the public voice in relation to them is hardly heard amid the roar of the contending elements of this issue.

The country has generally regarded this as a northern and southern question. Sir, I utterly deny the soundness of this view of the subject. Though it is true that it partakes largely of a sectional character, and the advocates of the extension of slavery generally reside in the slave States, and those who oppose that measure are more generally found in the free States,—though all this is in a large sense true, it is far from being a universal truth.

There are distinguished illustrations of the fact I am contending for. Yes, sir, the people of the slave States are far from all being for the extension of that institution to parts where it does not now exist. I can prove this declaration, not only by the acts, votes, and speeches of members of this House and of this Congress, but by the appeals to humanity and justice made, on the whole subject of slavery, by the slaveholders themselves. I will bring one illustrious name in proof of this truth—the distinguished Senator from Kentucky. Let him speak in his own emphatic language:

"I have said that I never could vote for it myself, and I repeat that I never can, and never will vote, *and no earthly power will ever make me vote, to spread slavery over territory where it does not exist.*"

Here, sir, is the voice of the patriot, the statesman, and the sage, as my witness. Men of all parties, of all grades, of all sections, will receive the testimony.

I will produce another witness from among ourselves, [Gov. McDOWELL,] whose words, like the light of the morning, have shed their beaming rays to the remotest corners of the land. Hear him:

"Who that looks to this unhappy bondage of an unhappy people, in the midst of our society, and thinks of its incidents or its issues, but thinks of it as a curse upon him who suffers it?

"You may place the slave where you please—you may oppress him as you please—you may dry up to the uttermost the fountain of his feelings, the spring of his thought—you may close upon his mind every avenue of knowledge, and cloud it over with artificial night—you may yoke him to your labors as the ox which liveth only to work, and worketh only to live—you may put him under any process which, without destroying his value as a slave, will debase and crush him as a rational being—you may do this, and the idea that he was born to be free, will survive it all. It is allied to his hope of immortality—it is the etherial part of his nature, which oppression cannot reach; it is a torch lit up in his soul by the hand of Deity, and never meant to be extinguished by the hand of man."

This is the voice of experience, of humanity, and of justice, coming from the very heart of southern slavery. It is the inspiration of one who has seen the bitter fruits of southern bondage. I next bring that long line of patriotic men, who, emerging from the conflict of the Revolution, full of the free spirit of that day, laid deep the foundations of civil liberty in our land, by prohibiting, at a single sweep, the existence of African slavery in every inch of territory belonging to the States where it did not then exist, by covering every part of the undisputed territory of the Union with the memorable ordinance of 1787.

Sir, on the record in support of this *Proviso*, stand the names of the Representatives of Virginia, North and South Carolina, Georgia, and other slaveholding States. And on its record of confirmation in '89, stand again the same evidences of the firm determination of the whole people to arrest the progress of slavery. Thank God there is no want of evidence among the living or the dead, to sustain this great truth. Let the voice of Washington be heard in condemnation of this institution. Let that voice be heard by all as a voice of warning, and by you who would spread abroad the evils it portrays, as a voice to be obeyed:

"I can only say, that there is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of it; but there is only one proper and effectual mode by which it can be accomplished, and that is, by the legislative authority; and this, as far as my suffrage will go, shall not be wanting."

We were told, the other day, by the honorable gentleman from Mississippi, that "slavery is a blessing to the master and the slave." I will contrast his language with that of the great champion of human rights, he, doubtless, delights to honor. I read the language of Mr. Jefferson:

"The whole commerce between master and slave is a perpetual exercise of the most boisterous passions; the most unremitting despotism on the one part and degrading submissions on the other. * * * * With the morals of the people, their industry also is destroyed. * * * Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever; that considering numbers, nature, and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events: that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest."

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"What an incomprehensible machine is man! Who can endure toil, famine, stripes, imprisonment, and death itself, in vindication of his own liberty, and the next moment be deaf to all those motives whose power supported him through

his trial, and inflict on his fellow men a bondage, one hour of which is fraught with more misery than ages of that which he rose in rebellion to oppose."

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"You know that nobody wishes more ardently to see an abolition, not only of the trade but of the condition of slavery; and certainly nobody will be more willing to encounter every sacrifice for that object."

But it is not strange that gentlemen who can, in this age, ask to extend the curse of slavery, should hold human bondage to be a blessing.

While I am illustrating the truth I am contending for, that a large part of the southern people are opposed to extending their peculiar institution, I must not forget that portion of the southern representatives who, no longer ago than last year, struck down the hopes of slavery in the wide-spread region of Oregon; who reënacted there the ordinance of '87, and planted the Wilmot proviso on the shores of the Pacific. Sir, among the leaders of that conflict I recognize some of the members of this House from the slaveholding States. For that act, for sustaining the principle of the proviso whereever applied, I honor them, and in the name of my constituents and in my own, I thank them.

After such an array of testimony not only against the extension of slavery but against the thing itself, drawn from all sources, and all parts of the southern country, I should hardly suppose that a respectable minority of that people could be found who would face the voice of humanity, the gushing philanthropy coming to them from the graves of their own statesmen and heroes; face their own acts from the foundation of the Government to the present hour, and advocate the extension of slavery. I believe, sir, if the whirlwind of prejudice and of passion could be hushed, and the voice of reason and conscience be heard, the language which I have quoted from "the few, the immortal names, that were not born to die," would find an echo in the hearts of their descendants. I believe, were it not that the southern people hope from its extension to work out some relief to themselves, they would rise up as one man against spreading slavery abroad; for it is not to be supposed any part of the civilized family of man would seek the extension of an evil, the very description of which, as drawn by themselves, is appalling to every sense of humanity.

I have said this is not a question between the North and the South, and I have proved it. It is a question between the slavery propagandist and the free men of this nation—between the friends of liberty and the friends of bondage. It is not true, sir, as has been stated again and again, that this question arises, or has arisen to its present heated state of fermentation, out of any desire of the people of one part of the Union to secure advantages over the people of the other, or from any wish of one section to prejudice the just rights of the other. No, sir; far from it. No such influences actuate the free side of this question; and I would believe even the slave side is not so abandoned to all sense of nationality and honor as to be under the guidance of such considerations. It is higher motives, far higher considerations, that have brought before the world this day's business. The inalienable rights of man, his right to liberty, to happiness, and to himself, are the elements of this issue—the postulate in this argument. The attempted aggressions of slavery on the free portions of the newly-acquired parts of our country are the immediate causes of its consideration.

Though the question under discussion has a distinct type of its own, it is but another phase of that contest the world has waged since the germ of liberty first swelled the human heart and quickened the pulse of man, as a social, moral, independent God-created being. The love of freedom is an immutable law of our nature; it is a living principle, not only in the highest but the lowest intelligences. It throbs in the breast of the meanest slave as well as in the bosom of his master. Those of us who hold that man is man whatever his color, are of necessity, as well as choice, opposed to the extension of an institution that deprives him of his manhood and makes him a mere brute or chattel; while you who stand on the other side and oppose this immutable law of our being—who advocate the exercise of despotic power, and hold to the right of one man to say to another, you are no longer a man, you are my brute, my chattel,—are naturally the advocates of spreading such a system. I saw it stated in a pamphlet published somewhere in Virginia, I believe, that the people of the slave States are widely different in many things from those in the free States. And on these subjects, I admit, the principles of the propogandists and the freemen of this nation are as wide asunder as the heavens and the earth.

I have somewhat digressed from the points in issue. I have said the question is an important one. Compared with it, the ordinary questions of the day sink into utter insignificance. On its result hang the liberties of a country as large as this Confederacy was when it was formed, and, as I believe, ultimately the whole question of negro slavery on this continent. If what some of the propagandists tell us be true, on its determination hang also the hopes of this republic. If this be so, it is not strange that a people always alive to their own and to their country's interests should be aroused to its consideration. If it be true, sir, that we live in a government to be rent asunder, and all its high hopes to be prostrated in the dust; that the last republican liberty on earth must perish unless the foulest blot that stains its escutcheon shall, by the force of its laws convert its free soil into the abode of a system so revolting to mankind that even an Algerine despotism has abandoned it as too debasing to be endured—a system where the ties of father, mother, sister, and child are broken on the block of the sailsman, and every social relation is the mockery of the market place, —I say, sir, if all this be true, is it strange that a revelation so astounding should rekindle the watchfires of patriotism and of liberty? Is it strange, sir, when sentiments so monstrous as these are heard, it should nerve every patriot arm, quicken every patriot pulse, and warm the blood of every freeborn man who is not dead to every principle of right that burns on the altar of liberty? I say to this House and to the country, be not deceived, for this question is one of slavery or liberty; bondage or freedom.

I do not doubt, as some have doubted, that the propagandist is in earnest. I do not doubt his sincerity, but I do doubt the wisdom of his course and the sagacity of his conclusions. Sir, his vaunting threats and menacing speeches will not even dim one star on the banner that is waving over us—will never cast one shade before the hopes or the destiny of this Union. No Nashville Convention will ever dissolve this Government; no portion of the people of this country, who can be marshaled under the black banner of "Slavery extension or Dissolution," will ever dis-

solve it. It is not in this regard that I hold this question to be of such vital importance; and I must be allowed to say to those who do, you consult your fears and not your firmness. The cord that binds these States together is no rope of sand.

There are certain points in this controversy upon which we shall agree. The propagandist is for making a slave country of, at least, a part of the territory acquired from Mexico; and he claims the right to do so. All the rest of the people of this country are utterly opposed to extending slavery over any part of that country, and will never consent to its introduction there. What are the relative proportions of those holding to these two opinions, I have no means of knowing not open to all, but I have not a doubt in my own mind that four-fifths of the reflecting part of the population of the whole Union are opposed, and will oppose to the uttermost, the admission into this Union of any more slave territory.

Another fact we shall agree upon, that our Mexican possessions were acquired by the common blood and treasure of the nation. I pass, then, to the third proposition. What are the national, State, and individual rights acquired by this territory; or rather, what rights are incident to its acquisition, attach themselves to it, or arise out of it? To understand correctly the bearings of this question, we should go back and inquire what are the objects of government? for what purposes was this government established? One of the highest purposes of all government is to secure the blessings of civil liberty. And the avowed object of this Government, by the Constitution itself, is, "to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty." These objects apply with equal force to every portion of the Union, new or old, in the States, or out of them. And whatever we are authorized to do under the limitations of the Constitution, we are bound to do to promote these objects. We are authorized to organize governments in the territories. That power we are bound so to exercise as to secure "the blessings of liberty." We are nowhere authorized to permit slavery, for that institution does not carry out a single purpose of the Constitution, but is repugnant to them all. There is not one feature connected with the objects or history of the Government, from its very beginning, indicating a single purpose to act even as a conservative power over domestic slavery in the States, and far less, as a sovereignty, to extend it. The rights the Union has acquired over this territory are rights of sovereignty to subject it to constitutional laws. The States have acquired over it no independent powers; the citizens of the several States have all acquired a common right of citizenship subject to the constitutional, national laws, that may be imposed upon it. And these are all the rights there are in the case—rights at all times to be governed by the objects and purposes that brought them into existence. Sir, if this doctrine be a sound one, what right has the citizen of any particular State to demand that the peculiar institutions he lives under at home shall be transplanted in California or New Mexico? I answer, none. He has every right to show, by fair reasoning, that what he asks for will, if adopted, be calculated to secure to that country "justice, tranquillity, peace, and the blessings of liberty," and nothing more. The citizens of New York have no right to demand that their bank charters, and the use of their incorporated monopolies, shall be secured to them in Deseret; nor has the slaveholder in Georgia any right to demand a system of laws securing to him there the bondage of his slave. There is more property in corporations created by our State laws in New York, than the value of the slaves in any State in this Union. We cannot use a single corporate right beyond our State limits, nor can you use a slave right beyond yours. There is no right in property whatever that is not subject to the abridgments and regulations of law; and if, in the national judgment, the ownership of a particular kind of property works evils to community, any and every sovereignty has, and is bound to exercise the power to exclude it. This is the everyday practice of all the civilized nations of the world. And still gentlemen talk of a want of power to prohibit slavery in our national territory. It would be no more absurd for the citizens of New York who held bank bills, to insist that they shall be secured to their use in San Francisco or they will dissolve the Union, than it is for you to say so, unless you can be secured your slaves there. The absurdity of the propagandist's position on this point is so glaring it hardly deserves comment.

If the national voice is against any more slavery, the propagandist must submit. He must not suppose that the free parts of the country are to be overrun by the evils of slavery, at the expense of the honor and conscience of the whole people, when in the sound exercise of its discretion, the nation sees fit to prevent it by positive law. He must submit to that law, or take the responsibility of rebellion. And if there are any who believe the people of this country are so in love with the institution of human bondage as to fight its battles for extension in the disloyal ranks of treason, the world is before them for the experiment, let him try it who will. If gentlemen suppose the free spirits, the free men of this free age and country will shrink from responsibilty on this question, they are mistaken. If they suppose slavery is to be sown broadcast under a menace of dissolution, I say again, they are mistaken. If they suppose a standard of rebellion will accomplish their purpose, they will find, when it is fatally too late for them, a summons to arms in defence of the sacred Union of our fathers, in defence of the sacred instrument I hold in my hand, will teach them, in lessons not to be forgotten, that they are again mistaken.

The gentleman from North Carolina said the other day that the agitation of this question had kept slavery out of California. Thank God for that! And if the statement be true, thanks to the agitators too. In that view of the case, I am inclined to think a veritable Nashville Convention would be of service to the country. It would direct public attention more and more to the monstrous character of the claims of the propagandists, and tend to fix more strongly the judgment of the people against them. I think if that body will only meet and publish the constitutional chains of the slave, as it claims them, there will be more than one next year to tell of such glorious fruits of agitation. Should that redoubtable slavery band ever get together, it will be the source of an agitation hereafter of the same kind, and to last as long as that which followed a convention of kindred spirits that met in Hartford in 1812. The simoon of death will as surely follow the one as it has the other.

The propagandists say, "What the common

'blood and treasure of the whole nation have ac-
'qired belongs to all, and all have the same right
'to participate in its enjoyment." To this proposition I most heartily agree. But does this give to any particular institution of any particular State any claim whatever? If so, then each particular institution has the same claim; and the constitution of California ought to be a resolution drawn at the bottom of a catalogue of the particular laws of all the States, ratifying and confirming each and every one of them as a part of their fundamental law.

When the Constitution was adopted, slavery was regarded as repugnant to natural justice and a violation of natural rights, as it is now. And it would be strange indeed if a constitution of a civilized people should contemplate the spread of an acknowledged wrong without mentioning the subject. The whole action of the Government, both before the adoption of the Constitution and immediately after, clearly shows that the rapid extinguishment of slavery was in the contemplation of all. Else why did the representatives of the whole country at once prohibit it from every inch of territory where it did not then exist? Why did nearly all the distinguished men of the North and the South openly advocate its abolition? Sir, these facts are too controlling to be misunderstood. The very wheels of this Government were put in motion with the full purpose in view of putting an end to slavery. Before the adoption of the Constitution we had a large commerce in the foreign slave trade; and by the very terms of that instrument it was to be absolutely prohibited as early as 1808.

Gentlemen talk of the compromises of the Constitution—compromises in relation to slavery. What compromises! Do the people of the South hold their slaves under the compromises of the Constitution? The time is not far distant when such a doctrine will overwhelm all slavery held by such a tenure. The truth is, I abhor compromises. If I have any rights, I wish to hold them as rights. If we are guarantied any privileges under the Constitution, they are rights, not compromises. A compromise presupposes the surrender of what is right with a view to settlement. It is a sort of a bargain, where absolute right and absolute wrong, to share the plunder, make a platform where the true and the false can dwell together in harmony. There can be no such thing as a compromise between right and wrong. Slavery has not a shadow of right, under the Constitution, to breathe on one inch of our national domain; and I am in favor of exercising the power of the Constitution to prevent it, by any possibility, from ever obtaining a foothold there. I regard it as the great evil of the nation, to be guarded against under any and all circumstances. I am in favor of the Wilmot proviso, of abolishing slavery and the slave-trade in this District; in short, of putting a stop absolutely to the further spread of slavery in any direction, and of relieving the Government of it, wherever we have the power to reach it.

The uniform and well-settled policy of the Government has been to prohibit slavery in all its territory where it did not exist. Indeed, the Union originally had no territory of its own, and its first acquisition was the country lying northwest of the Ohio river. This was ceded by the States claiming it in 1784, the title perfected in '86, and in '87 slavery was prohibited in every part of it. There were no conditions attached to these grants, so that the Government had power to act, and it did act at once against permitting slavery ever to go there. This was before the Constitution was adopted. That instrument was framed in full view of all these facts, and may well be regarded as a constitutional acquiescence in the policy adopted. Congress in '89 reaffirmed the act of '87 under the Constitution, so that the precedent is valuable both to show the disposition of the people in those times and as an exposition of the powers of the Constitution as understood at the time it was put in operation.

The next territory the Government acquired was what now constitutes the State of Tennessee. This was a grant from the State of North Carolina in 1789. In the deed of cession granting that territory there was an express reservation of the right to continue slavery there, and the laws of North Carolina were, by the very terms of the grant, to be continued in force till they were repealed by the laws of the State to be formed out of it. (See 1st vol. U. S. Statutes, p. 106.) So that Congress never had a particle of power to prohibit slavery there; it had long existed, and North Carolina was careful to reserve all its rights. Had Congress at that day had the power, the whole history of the times shows it would have done so. There had never been a single act in the history of the Government, thus far, indicating any other purpose than to arrest the progress of slavery. All Congress could have done in that case was to refuse admission to Tennessee as a State. This it did not do, and a slave State was admitted.

The next step in our acquisitions was the State of Kentucky; and this was an acquisition of a State to the Union, and nothing else. Neither the territory of that State, nor the political jurisdiction over it, was ever vested in the United States. It was originally a part of Virginia, and in '89 that State, by an act of its Legislature, authorized the people of the part of Virginia now known as Kentucky, to organize themselves into a State and to unite with the United States, expressly reserving, as in the case of North Carolina, the authority of all the laws of Virginia till repealed by the State of Kentucky; so that again, in that case, Congress had no power to act—it had simply the power to receive or reject the State.

The Territory of Mississippi was the next part of the country, and the only remaining part, to acquire jurisdiction over. This territory covered what now constitutes the States of Mississippi and Alabama. Georgia laid claim to this region, and had made various grants therein, exercised jurisdiction over it, and planted slavery there. The first act of the Union in relation to its acquisition and government was passed in 1798. The title of this act is, "An act for the amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory," (vol. 1, U. S. Statutes, p. 549.) This act authorizes the appointment of commissioners to settle the conflicting claims of the United States and Georgia over this territory, and establishes a provisional government, but expressly reserves all the rights of Georgia and its jurisdiction. Among these rights were laws establishing slavery. And the commissioners appointed on the part of that State to adjust the rights and claims of Georgia, expressly reserved all power over slavery; so that in that territory there never was any power in Congress to prohibit it. But Georgia had not any power over the slave trade, and the consequence was, Congress, in its first act of '98, absolutely prohib-

ited the introduction of slaves into the territory from abroad, although that trade was to be continued by the Constitution in the States till 1808; thus giving another evidence of a determination to put an end to the extension of that institution.

We have now seen that under the Constitution, the power of Congress has uniformly been exercised to prohibit slavery from every part of the country, where the territory to be affected belonged, by undispnted title, to the United States.

Louisiana was purchased in 1803. Slavery existed there; and in 1804 the introduction of slaves was prohibited by positive law, even from the States, except by actual settlers who might bring their servants with them—(see 2d vol. U. S. Laws, p. 283)—the Government thus seizing the earliest opportunity to prevent the increase of slavery there; and in 1820 it was absolutely prohibited (Missouri compromise) in more than three-quarters of all that purchase. By this act it was excluded where it did exist, and the whole South acquiesced in the power, and nearly all aided in its exercise—again showing that the settled purpose of the Government was persevered in where it had the power to act.

And now, Mr. Chairman, for the first time in our history there is an effort making by the slavery propagandist to compel the Government to depart from its uniform course, and convert its free soil into slave soil. After the lapse of more than sixty years, we are asked to ingraft upon our system slavery extension as a principle, as a part of our policy. The character of this claim is so extraordinary it deserves, as it receives, the rebuke of all who think liberty is worth preserving, who do not regard bondage as a "blessing."

The propagandist is resisting the admission of California on this new claim. The Administration, the whole North are for this admission—we shall vote for it, and act for it, and if its opponents see fit to defeat it, the responsibility will be with them. All I have to say on that subject is, if they can stand that issue before the country we can.

It is claimed that if there are no constitutional or legal rights to take slavery to the territories, there is an equitable right, because slaveholders helped to fight the battles of Mexico, and acquire the Mexican territory. What equity ever did, or ever will arise in favor of converting a free country into a land of slaves? Principles of equity are broad and comprehensive. I will hazard the assertion that this is the first complaint in equity ever filed to establish the right to violate natural justice, perpetuate bondage, make goods and chattels of humanity, and subvert the laws of freedom. Upon what principle of equity can the propagandist claim any part of a free country for slavery? Is it because slavery is beneficial in itself—because it is calculated to produce the greatest good to the greatest number, and bless with an equality of freedom the millions who are to inhabit those regions? The experience of the civilized world, the dictates of nature, the love of liberty and hatred of oppression, sympathy for the millions bound with the green withes of grinding servitude, all combine to forbid such a conclusion. All the near and dear ties of life, the violated rights of parent and child, of husband and wife, of prostrate virtue, forbid it. All our bitter experience in the past, the perils of the present, and fearful forebodings for the future, forbid it. There is no principle, sir, that can justify us in permitting this evil to spread. Its "diffusion" to the free parts of the country must, by the solemn judgment of the nation, be forbidden; and the cry of human bondage must, by the power of these confederated States, be forever stayed.

But it was said the other day, on this floor, if slavery was kept where it is, it ultimately would drive out the white population.

Sir, what sort of an argument is this? A proclamation of the threatening horrors of what another gentleman calls a "blessing to the master and the slave." This Mississippi blessing, according to North Carolina authority, is ere long to be the desolation of the land, and I might not inaptly say, leave

"——the desolater desolate."

I cannot spend time with this strange morality. Because, like the sin of Adam's fall, slavery places the master under the curse, shall we curse others with it? That slavery is a putrefaction the South would be glad to get rid of, I can readily believe; but to send it abroad to regions free from its infection, is to light with the torch that threatens our own, our neighbor's dwelling. I envy not those who are driven to such an argument. Some part of the argument I have heard would seem to be based on the idea that the war with Mexico was waged for the purpose of extending slavery. What, sir, a Christian nation, under the flag of freedom, marshaling armies, sending navies, slaughtering and to slaughter, to blot out forever the hopes of freedom, and bury them in the unfathomable abyss of slavery! I trust in God I have misunderstood this argument; that even slavery is not reduced so low as to make a declaration so abhorrent to every feeling of humanity. If the plains of Mexico have run with the blood of battles in such a war, if even one victim has been slain in such a cause, shall those engaged in the abomination already, exclaim with him who crucified the Redeemer of men, "his blood be on us and on our children." If "the blood and treasure of the South" has been poured out for such a purpose, may the gaze of an indignant world rest upon the inhuman butchery. Let it be proclaimed to the end of the earth, that the blood and treasure of a Christian people have been poured out to pollute the virgin soil of freedom with the chains of slavery.

Congress has power to pass all needful rules and regulations respecting the territory or other property belonging to the United States. Slavery is not a needful rule or regulation. It is only a wrong to be deeply deplored where it does exist, and to be prohibited from going where it has never been. It is but the remnant of a darker, more barbarous age, to be eradicated, not encouraged. How, then, does Congress possess the needful power to permit this evil to spread? If a great calamity threatens the country, we are prompt to avert it. And if this greatest of evils threatens any portion of our territory, why should we not do all in our power to turn it aside? The serpent-folds of this viper are already wound around the giant limbs of one half of the republic; and shall its sting be permitted to pierce, with its deadly poison, a soil now free from it? Is it not our plain duty to protect from evil the young and feeble territory we have acquired? It comes to us free, and the Congress that would not keep it so, would be lost to every sense of duty, to the country, and to mankind.

We were told the other day that slavery had not been so great a curse to the South as had been supposed. This is strange praise; to say an evil is not as great as some suppose, is a new argument

for its increase. It is claimed the South has prospered under it. Let us examine the facts. But before doing so, I protest against the right to count the profits of human bondage. What was the State of Virginia at the time the Constitution was adopted? The oldest, largest, most populous State in the Union. She has sunk to the fourth class; she has been settled two hundred and forty years, Ohio was an unbroken wilderness sixty years ago, and though but little more than half the size, has now more than twice her white population, and more than twice her wealth. South Carolina was the fourth State in the Union at its formation; she is now the twelfth or thirteenth. Louisiana has more natural advantages than any State in the Union, and still, her progressive march is hardly perceptible. New Orleans ought to have this day three hundred thousand inhabitants, and if slavery had never existed in this country, it would have. One gentleman from Alabama complained the other day that your ships were rotting at your wharves, and your commerce going to decay. Let me say to that gentleman that a high state of civilization, slavery, and prosperity, are utterly incompatible; they never did, and never will exist together. The slave States have not prospered, simply because there is no prosperity in the labor of the lash, and the constitution of man plainly indicates there never will be. There never was a population of eight millions composed of three and a half millions of persons having no interest in the common prosperity of the country, that was a prosperous population—the thing is impossible. But this is not all the calamities that await slavery Thus far in the history of the world, the moral position of slave countries has been acknowledged by the civilized nations of the earth. This kind of encouragement to slavery is fast giving way, and the time is not far distant, if the South takes no steps to cast off this offence against the moral sense of the world, when the character of its people will suffer more than its prosperity.

The propagandist says slavery is recognized by the Constitution. I will examine the soundness of this claim. The Constitution authorizes the recovery of the fugitive from labor. The same section authorizes the recapture of fugitives from justice; and if this clause recognizes slavery, it also recognizes crime; and the right of one to claim a part of the national domain, is, under that clause, exactly as great as the other. The logic of the propagandist is so profound on this subject, I shall expect next to hear some one, who does not regard slavery as a "moral evil," gravely contending for the rights of robbery and assassination in the territories.

The Constitution allows a three-fifths representation, and this is used in support of the claim of extension. This proposition is equally unsound. It is the person that is represented, not the slave—the man, not his condition. Any other view of the subject would make, at least, one-third of the southern Representatives now here represent bondage and servitude, not men. The Constitution nowhere allows any sort of representation except of persons, and in this sense the master is a person and the slave is a person, and these two classes are no more guarantied their condition, in the territories, than the rich and poor are guarantied theirs. If there are no such persons as the three-fifths class in the new States, clearly no rights are violated. The propagandist has no right to claim anything under that clause for himself. He loses nothing. He is completely represented, and his property has nothing to do with the case. The man with a million has no more representation under the Constitution, than the beggar, who has not where to lay his head; and for great and fundamental reasons he ought not to have.

An inference is drawn from the fact that slave property is taxed, that the holder of it has a right to demand its protection in the territories. If there were any soundness in this argument, it would establish the principle that all property owned in any of the States might claim State constitutions and territorial governments to protect it. I have already shown the fallacy of this position. I do not believe there is a State in the Union, whose constitution or laws does not expressly prohibit the enjoyment of some of the property of the citizens of other States. And there certainly is nothing peculiar in slave property, which should give its owner any higher claims, than those enjoyed by others.

The very provision of the Constitution, authorizing the claim of the fugitive from labor, clearly shows the framers of that instrument understood, that except for that provision, a slave would be free in any State where slavery did not exist. That clause is nonsense in any other view of it.

The Wilmot proviso guards against a restriction and abridgment of rights, but violates none whatever. And on the question of power to pass that measure, the history of the whole Government is a libel on itself, if there is no such power. The position of the advocate for slave extension, is an awkward one indeed. He has voted for the ordinance of '87; he has voted for the constitution of every State that has prohibited slavery since; he has voted for the admission of slave States, which is the exercise of precisely the same power on the other side of the question; he voted for the Missouri compromise; to organize Oregon with this proviso; and last of all, he has stood on this floor from the beginning of this session to this hour, advocating a compromise line—the Missouri compromise—or some other line, when every one of these measures requires the exercise of the same power as the Wilmot proviso. The gentlemen from Alabama, North Carolina, Georgia, and I believe all the other propagandists who have addressed this House, have labored loud and long in favor of the proviso, if located North of a certain line. Really, this is a constitutional argument on their part, worthy of their cause. The same Constitution governs every part of the country, and to keep slavery out of one part is constitutional, but to keep it out of another is not. I commend these gentlemen for their keen insight into constitutional law.

I propose to say a few words on the strange spectacle we must present to the world. The people of a free government divided against themselves. On one side the principles of civil liberty maintained, and on the other, those very principles complained of as working injustice, as doing violence to the honor, the rights, the constitutional guarantees of the South; as trampling down the best interests of a people, who came into existence as a nation under the declaration that "All men are created free and equal, and entitled to the blessings of liberty." Strange, indeed, that the very liberties our fathers fought to achieve should be to the slaveholder a curse; but strange as it is, it is the burden of the propagandist's complaint. He mourns as an evil even the freedom of other

lands beyond his own, and witnesses its approach with horror.

There is one feature in this question the propagandist seems to have forgotten. In his anxiety to preserve his own honor, he has failed to remember that the honor of the untold millions of slaves to be subjected to his rule, if slavery is extended, is not only to be trampled down, but is to be regarded as the honor of the horse or beast of burden. When gentlemen talk of their violated rights, they forget that they are constantly asking to violate the rights of others—the very rights they claim for themselves. Sir, is it not a mockery for men who advocate such principles to talk of violated rights and sullied honor? Gentlemen demand that an equality of slavery and freedom shall be preserved in this nation. Was there ever so impudent a claim? The wrongs, the injustice, the inhumanity of slavery to keep pace with the blessings of freedom! Sir, if this is a well-founded claim, mock me not with the name of republican. Such language outrages the graves of our fathers, the very name of liberty. That any considerable portion of the people of this country should be blinded by doctrines so repugnant to our national compact, so abhorrent to every true feeling of the human heart, is impossible.

I have complaints to make of the slave States, for their wrongs and aggressions towards the free States. Slavery bought Florida, took our money to pay for it, and then excluded our free institutions; slavery has made a slave State out of every State, save one, taken from the purchase of Louisiana; slavery brought the slave State of Texas into the Union; slavery plunged us into the war with Mexico, and now seeks to make slave States of that country. These things slavery has done, but what she is now striving to do she will never accomplish.

Slavery has its slaves represented here by their masters; so that fifty slaves make their master, in political power, equal to thirty freemen. This is a wrong we shall not permit to be increased. Slavery has secured the admission of nine slave States since the Constitution was adopted, when the whole spirit of that instrument repels the idea that slavery was to exist as a permanent institution. We have suffered these wrongs thus far, but we shall allow them to accumulate no longer.

I will admit the propagandists have fallen on evil times for them. Free principles have advanced throughout the world, and are destined to advance with still greater rapidity. Freedom is indeed surrounding the abodes of despotism everywhere. Blame not us, but rather complain of the God of us all, who made man a progressive being—a hater of oppression—a lover of liberty. It is left for the American propagandist alone of civilized man, to ask for the increase of slavery. And, sir, with feelings more of sorrow than of anger, I feel this to be a deep disgrace to our common country. Mr. Chairman, if slavery be extended, we of the North are responsible for it; and the whole country must distinctly understand, we shall never incur that responsibility. We are absolutely opposed to any further extension. We shall vote against it, and act against it in any possible contingency.

And now, sir, I propose to say a few words on the subject of the dissolution of this Union. I have no fears of that event. It will never take place on account of slavery or slavery extension. The advocates of that institution are amusing the public mind with that idea, but there is no reality in it. They will never even attempt to divide this glorious Union on a question so utterly without reason, so groundless, and so against their own interest. What will be gained to the southern people by dissolution? Will an increase of slavery increase their happiness? Far from it. Will they be safer outside of the Union than in it with the slavery they have? Is it not now quite strong enough for the southern States? But will you increase your slave territory by dissolution? Far, very far from it. The whole Pacific frontier is already thronged with the friends of freedom. The people west of the mountains have as great an abhorrence of slavery as the people of New York or Massachusetts. The South will never get that people to go with them. A large portion of the people of New Mexico were Mexicans by birth, have suffered under the oppressions of old Mexican slavery. Thousands of freemen and their children there are those who were once slaves; and the propagandist might as well hope to get the people of Connecticut to go with him as the people of New Mexico. Besides, the South has no commercial relations that can make it for the interest of any part of this new country to unite its destiny with them; and, stripped of the power of the Union, the South has no power for conquest.

But, sir, some men are weak enough to suppose this Union may be peaceably dissolved. A mind so narrow as that is just fitted for a slavery propagandist. If this may be done no treason can be committed against the Union. If one body of men can withdraw from it, then any other and smaller body may do so, and any man may set up a government for himself when he chooses. Sir, let the note of alarm once be sounded, and we shall see whether peaceable dissolution can ever take place. Let the gallant chief that stands at the helm but say that rebellion has broken out; but call the sons of freedom to the defence of the land of their fathers, to the defence of constitutional liberty, and the treason bands of propagandism will find gathering millions to guard the sacred cause and the sacred soil of freedom.

There are stronger causes for union now than ever existed before. We have now the liberties of an immense country to defend. That is a new element of strength, not of weakness. It may cause faction, and put the powers of government into exercise, but depend upon it it will result in an element of strength.

We are now the centre of the commerce of the two oceans, the focal point of the trade of the world, and no slavery spasm will shake this solid fabric. Sir, in this republic the corner stones of the great free government of the earth are set, and slavery is powerless to remove a single landmark.

I wish to say a few words on a subject that I think is intimately connected with this slavery extension project, and that is the southern designs on Mexico. I believe it is a part of the southern project to make further aggressions on Mexico. I wish to say to all who have any such ideas, the quicker they get rid of them the better, for the free people of this nation will never permit, under any circumstances, the free soil of Mexico to become the conquest of slavery. The Rubicon is passed, and before God I believe the last inch of slave territory that ever will be made, has been already made on this North American continent. Then let us at once pass a law to forever settle that question.

The high and patriotic position assumed by the

Administration has done much for the cause of liberty in this matter. That position, thoroughly maintained, will prove a wall of defence around the free soil we have acquired from Mexico, against which the legions of propagandism will battle in vain. Sir, while the Mexican law against slavery is enforced, slavery can get no foothold there. Continuing this law, will build up a population there as inaccessible to the foot of the slave as their mountains of snow.

When our people heard of the nomination of General Taylor, they were divided and distracted in feeling. They regarded him as a slaveholder, and therefore could not overcome their fears lest he was also a propagandist. But as they emerge from the conflict of '48, and look on the broad platform of liberty he has laid down, they rally around him as a deliverer from the evils of slavery extension.

If the President's policy is adhered to, this will be the result. The people of those regions will form anti-slavery constitutions, organize themselves into States, and ask for admission. If they are admitted, very well; if they are not, they will remain under their organized State governments, without the Union, and continue to ask for admission until it is granted. If any portion of the territory does not see fit to organize into a State, it will remain under the Mexican anti-slavery law, which will be administered by the old officers, who have heretofore administered it, and the President will see that the laws are duly executed, as he has emphatically said in two messages to Congress. So that as long as the present Executive holds the reins of Government, I believe there is no chance for slavery in those regions. But as there are many who have fears on the subject, and as we should by all means in our power guard against all possible contingencies, I am for the immediate passage of a law absolutely prohibiting slavery in all the national territory. Such a law, with the Administration policy, will be positive security against the further spread of that national calamity, and will put forever at rest the question that so much agitates the public mind. Men may call such a law the Wilmot proviso, if they choose; I care not for names, it is the great result I seek.

I do not consider the Wilmot proviso as strong standing alone as in connection with the recommendations of the Administration, and for this reason: Standing alone, it contemplates the immediate organization of the country into territories. The moment that is done the Mexican anti-slavery law is repealed; for from that moment the law-making power will be the territorial council and legislature, and the laws will be administered by territorial governors, judges, &c. In that case, the Senate of the United States would have the power to confirm or reject any nomination of governor, judges, secretaries, &c. This practically places the administration of the laws there under influences far removed from where I am willing to place them, at the risk, as I think, of having the powerful influence of these officers who administer them against freedom. There is not a doubt but the judges, governors, and officers, who were sent from slave States to administer the laws in Missouri while a Territory, were the cause of its admission as a slave State. The truth is, these influences in a young and feeble country are powerful, and we should not disregard them in acting upon this subject.

There is another reason why the Wilmot proviso, should be passed, and it is this: The same high and firm ground held by the present Executive may not be the doctrine of his successor. The whole question may be again opened, and the rights of freedom again endangered. If the question with the present Executive is safe, let us keep it safe by passing an act prohibiting slavery in every part of our country where it does not now exist.

Southern gentlemen have been full of accusations against the North for alleged aggressions upon the South. Sir, I deny the whole of these charges. How does it encroach upon the South, to exercise a known power of Government to prevent the extension of slavery? How does it violate southern rights, to secure the country against the greatest curse ever entailed on mankind? How does it violate rights, to secure liberty and prevent bondage? Are you, men of the South, not freemen, and are your rights violated if we secure to others what you claim for yourselves? You say your honor is assailed by the spread of free institutions, unless slave institutions are equally extended. Is your honor but the manacles that bind the down-trodden slave? and if his chains are broken are you dishonored? This most humiliating confession is the lowest pit into which slavery has yet sunk, an unqualified declaration that even the freemen of a slave country are a dishonored race, by the progress of freedom.

You say your whole people are aroused, and all for what? Because liberty has become the oppressor of slavery, and set bounds to its dominion. This is the very complaint that despotism has made in every age. There never was a royal prerogative surrendered without a struggle. The great battle-fields of the world have run red with the blood of liberty contending against the accumulated wrongs of arbitrary power. But, sir, in all the conflicts that have gone before there never was one so utterly senseless and without foundation as this.

Friends of liberty! brethren in this cause of humanity, of freedom, and of justice, let us maintain our cause to the end. I will not ask you whether there shall be any compromise of our rights. If there is one among us so forsaken of God as to admit such a thought, I say to him, Go to the adversary, we wish no such friends. Democrats and Whigs are accused of uniting on this question. The patriotic parties of the whole nation are on one side, and the propagandists on the other. Let us defend, then, the liberties our fathers gave us —secure them to ourselves and to our children; and when we have triumphed, as the temples of religion and virtue, of morality and law, rise up in the wilderness of the West; as the voice of contentment and the chant of the free mingle with the sound of her waters, no slave shall bewail the chains of his race—no God will condemn the deed we have done.

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SPEECH

OF

COL. JOHN H. SAVAGE,

OF TENNESSEE,

ON THE

SLAVERY QUESTION.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, MAY 13, 1850.

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1850.

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The House being in Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California,

Mr. SAVAGE said:

Mr. CHAIRMAN: I have sought the floor, not that I expected to interest the committee. My object has been to speak my individual sentiments, as a pledge of my future conduct. Like many others who have preceded me, I feel that the times are pregnant with consequences—our acts may become volumes of evil history. If we act without wisdom posterity will forever mourn our folly. "The last resort a man has recourse to in the government of himself, is his understanding." I see no reason why the nation should not follow the example. When Cataline conspired for the destruction of Rome, a main feature in his plan was, freedom to the slaves and servile war; when George the Third consulted for the subjugation of America, one of the elements of our destruction was, an insurrection of our slaves. It is our duty to-day, to see that modern abolition shall meet a similar fate.

During this debate we heard much of the army and navy, of civil and servile war, of fancied battles for the mouth of the Mississippi, of southern chivalry and northern conscience and power. All this has served but to excite us—to arouse our passions, and drive away our reason; to inflame our people, and alienate their affections; and, in the end to produce the very consequences so horribly depicted. If I had time, I should reply to most of this stuff as it deserves; for well I know that certain gentlemen who threaten us with civil and servile war—with the drum and the fife upon our plantations, will, when that sad hour shall come, as the bitter fruit of this overshadowing tempest of sectional madness, be very far distant from the scene of danger.

But to prevent misunderstanding I wish to say, that I have the highest regard for the mass of our northern brethren—they may have their Catalines and their Arnolds among them—as I fear we have too—but there are also the good, the brave, the patriotic—men in whose bosoms there is neither North nor South, East nor West, whose affections, like the light of Heaven, spread over all the land. From this class of men,

constituting, as I believe, a large majority of the Democratic party, who have been true to the Constitution under all circumstances, I will never separate, but will go down with them to a common grave or save the country. Nor ought I here to pass in silence my appreciation of the gentleman from Indiana, (Colonel GORMAN.) I have long regarded him as a gallant soldier, one who had sought danger in every form for his country's glory. But here, he has shown a courage and won a laurel above the battle-field. He was the first northern man to meet this northern current and defend the right. Other gentlemen from this side of the chamber have nobly followed him, and to them all I am proud to offer whatever of kindness and gratitude I am capable of feeling. But such as they are, are not all our northern brethren. A change has come over many, who now hate us and love our slaves—who speak all manner of evil of us for the negro's sake. It is with these men that I war, and I will vindicate my people from their vile aspersions. One of their charges—than which a baser and falser one could not be uttered—is, that the southern people are untrue to the Union.

I know the idea has been thrust upon us that this Union can be peaceably dissolved. Indeed, such petitions have been often presented to this House; but never from the South. Even now, every mail brings us northern speeches, tracts, and petitions against the Union. Who pays for printing and writing them I know not; but I do know that England and the monarchs of the Old World might spend millions profitably in this way, if it be true that while we exist their crowns are not safe. But we are not compelled to refer alone to speeches and petitions. Nearly every page of your journal furnishes evidence of this spirit. At the second session of the twenty-seventh Congress, in 1841, the single State of Massachusetts presented thirty-seven petitions against the admission of slave States, six against Texas, fifteen for an amendment of the Constitution so as to absolve the free States from all obligation on account of slavery, and five for a dissolution of the Union; certain citizens of Boston prayed for "an amicable division of the United States by running a line between the free and the slave States." *Where* then *slept* the chivalry of the gallant gentleman from Illinois, (Colonel BISSELL,) with his thirty-six regiments, while disunion thus assailed the very foundations of our liberties? I have been shocked by these sentiments, and have felt that if this could be the feeling of this age, I for one am here at the wrong time. For myself, I accept no such terms. Had I the power to make and write the history of the world, after the fall of these States, I would write the bloodiest page of all recorded time. A peaceable dissolution would not only be ruin but dishonor—a cloud upon the glories of the past. The future historian would record, not simply that we had lost our liberties, but that we were unworthy of freedom. I will not *argue* that "dissolution and war are identical." I should be for war. If we cannot live honorably, we may die gloriously, and build up with our bones a monument that in all future ages shall rear itself upon the gloomy pages of the history of nations—a magnificent though mournful example to warn a more fortunate people from the paths of our folly. With nations as with men, many may live well; few die nobly. Life is short—even the life of nations; and I would say to those who will the death of this Republic, (if any there be,) if it must perish

give it a glorious tomb. Let its memory be immortal. The people of Tennessee love the Union. They remember who exhorted us to speak of the Union as "the palladium of our safety and prosperity." They know who used the words, "at every hazard, and by every sacrifice, this Union must be preserved." Nor have we forgotten the language of the late President, "No treason to mankind, since the organization of society, would be equal to that of him who would lift his hand to destroy it." The gentleman from North Carolina, (Mr. STANLY,) had no cause to shed his *crocodile* tears over the graves of Jackson and Polk. Neither domestic traitor, nor foreign foe, will ever plant a standard there. We will give every soldier, every dollar, every blade of grass, for the Union as our fathers made it; but not one tittle of our rights or honor shall be wrested from us in the name of the Union by a violation of that Constitution which made the Union. We remember who said "we must preserve our liberties or perish in the last ditch," and I for one will profit by the advice.

There has been much senseless talk about a Nashville Convention. I heard the same vile, false cry in 1844, and denounced it then, as I now do, as the basest slander, uttered for the vilest purpose; and while I have no desire to become a modern *Don Quixote*, to fight every "windmill" that may chance to have a seat here, yet I am not very particular, if those gentlemen who have been so liberal in charging treason upon others, shall understand what I say as personal to themselves. "Our lives, our fortunes, and our sacred honor," have been pledged many years to the maintenance of the principles of our Revolution. I am ready to war with internal traitors or foreign enemies; but believing that nothing less than some dire and overpowering necessity, which strikes at existence itself, can ever drive the people of the South out of the Union, I am not prepared to denounce as traitors those who may attend the Nashville Convention. Fred. Douglas, Mr. Greely, and other free negroes of the North, can meet, denounce the Union, proclaim freedom to our slaves, and war upon our people, and the *patriotism* of the "*White House*" slumbers; but if the white, the good, the brave, the patriotic, assemble to consult of their dearest rights, it is treason, and they are threatened with "the army and navy." I cannot understand the distinction, although the President and his advisers may clearly see it. Why may not white men assemble as well as negroes? I suppose they intend to save and not dissolve the Union. They may advise the people of the South to stay at home, and build up manufactures, until their northern brethren come to their senses. They may advise the southern people to have but one political party; to beware of "Allison" letters in future, and vote for no man whose opinions, when President, "are neither important nor necessary," and who will not pledge himself, by a prompt exercise of the veto power, to protect them from all usurpations on the part of Congress. If they should do this, I am not prepared to say it would be wrong—I believe it would be right; but if they should assume to themselve to dissolve the Union, I shall be ready to oppose them by all the means that God and nature may put into my hands. But I will trust the South, and so will my constituents. I live not in a city where (southern) Whigs prevail, but in the mountains, where Democracy is triumphant. No southern name has yet been written traitor

in our history, and never will be. Your attempted injustice, your vile aspersions, will wholly fail to drive us from our rights or our propriety. Your wild schemes of emancipation, your foolish threats of subjugation and conquest, of which you ought to be ashamed, are worse than idle songs, sung by idiots. We will laugh to scorn all your madness. It is said, "some men are born great, some acquire greatness, others have greatness thrust upon them." The South, sir, was born great; she has, in some degree, acquired greatness; and now your impotent malice is thrusting more greatness upon her. You may call us aristocrats, lords of the lash, and such other epithets as low instinct may suggest. A few short years, any you will call us lords of the loom, and set you down and weep over your past folly and departed greatness. You must be content to see these hated slaveholders the most powerful, prosperous, and happy people on the face of God's globe; and withal, still loving the Union, and treating justly their northern brethren.

Sir, our States will not pass laws in violation of the Constitution. Our citizens will not secrete, drive off, or refuse to give up your property. We will not claim for ourselves all the territories. We will not denounce you as violators of the laws of God and man—as tyrants, despots, and evil men, whom all the just hold in utter scorn, and upon whom the wrath of God, long delayed, would soon fall in destroying vengeance.

We will not declare that in your bosom is an odious malady—a moral and physical cancer—and that our power shall confine you until it eats out your vitals. We will not tell you that beneath your homes is "imbeded" a dark "rebellious material" that "laughs at fire," and that our efforts shall not cease until a match is lighted which shall shake the continent, and blast, in one wild explosion, all that is dear to you. We will not propose to make you the equal of slaves. We will not refuse to set with you at God's appointed feast, and drink together the cup which our Redeemer left. No, sir. In all these things—in nothing will we offend against you. Unlike you, who, in the pride of your supposed power, have assumed to yourselves infallibility, as did the Romish church in days gone by, and have put your hands upon our hearts and rudely wrenched the cords of our vitality; and when the sufferer, in his anguish, has cried out, like true workers, for "*God* and *conscience*," your anger has but increased as the life and strength of your victim has been exhausted, until charging regiments, civil and servile war, have become spectacles sweet and lovely.

Sir, I do not charge that such are the sentiments of all the North. There are high and honorable exceptions, and many; and should it be a part of the providence of God that this proud Republic shall perish in consequence of this unhallowed strife, future ages will admire many names of the North, and will compare their patriotic efforts to save the country with that selfish spirit that now sits by, in utter ignorance or cold indifference, content to see your Capitol burnt to the ground, "so he but roasts his egg."

I will say no more about the Union, and only a word of the Constitution. They are two often confounded, although different things. The Constitution made the Union. It is the pedestal upon which this column of thirty States rears itself—a united pillar of strength and safety. Destroy this foundation, and the mighty structure of the Union, consecra-

ted as it is by the blood and toils of our revolutionary sires, falls and crumbles into ruins, carrying down forever the glories of the past and the hopes of the future. Indeed, the Union, without the Constitution, ought to fall. It would be a curse, and not a blessing; a grand consolidated despotism, each hour producing some vile monster—some Robespiere—some Santa Anna, to disgrace mankind, and murder innocence. We would soon hail with joy the coming of some Cæsar or Napoleon to deliver us from petty tyrants.

We, the people of the South, look to this instrument alone for safety from the ills that are threatened us. We see in it a glorious spectacle, above the sea of factious passions, as the rocks upon our shores an unshaken barrier, upon which every wave of lawless violence shall break in harmless fury.

My mind recurs to two great eras in the past. A time was, before the creation of the sun, when the world was veiled in night. The light was scattered abroad upon the universe. God collected it, and placed it in the firmanent to rule the day. So, at the close of our revolutionary struggle, shadows, clouds, and darkness, hung around our destiny. The wisdom of our fathers collected the scattered fires of liberty, embodied them in our onstitution, and placed it high in the political horizon. Like the work of God's own hand, it may have its dark spots; still, with all its blemishes, it is the most brilliant light that yet has rose on time. It has been hailed by the wise men as the coming of a good angel in a dark hour, to lead man up to the original glories of his creation. Sir, I am content to live under it—to die with it. Than this, I ask no more; and I am sure I will accept no less.

The gentleman from North Carolina, (Mr. Stanly,) and others, have spoken of party; and I will speak plainly upon this subject. In doing this, it is necessary to notice the two great parties as they now exist; the parts they have borne and are now acting in this grand drama, of negro emancipation; for, whatever may be the result, they alone are responsible—they are the heroes of the stage. The Abolitionists and Free-Soilers, though terrible indeed, have no other place in the scene than that of those spies, assassins, and incendiaries, sometimes employed by bad princes to get the better of more honorable adversaries. And while I decline, on the present occasion, an extended discussion of those principles which constitute the creed of my political faith, I will say that each hour in the history of the past has but strengthened my belief; and I now feel—that not only all the South, but every patriot in the land, ought to rally around the standard of those principles which alone can save us from the deep destruction threatened by the policy of the party in power, who now propose to settle this question by leaving it open—to promote civil liberty in our territories by a continuance of military government.

Concurring causes have produced our present danger; but that which rises high above the rest in the scale of evil, is found in the late Presidential election. Every man in the South, who voted for General Taylor, voted to exclude slavery from the territories by the Wilmot proviso, that being a *domestic* question, "settled by the various departments" of the Government, acquiesced in by the people, and upon which legislation could not well be "hasty." General Taylor intended the North should

so understand his letter. It was the folly of the South that she was deceived. If Cass had been elected, the proviso would have been harmless—the agitators powerless.* California would now be under the protection of Congress, and not the pupil of King. The Administration would not now be making false charges against their predecessors, to escape the odium of their blunders.

It is not true that Mr. Polk recommended the policy pursued by the present Executive. He recommended territorial governments, and only claimed power to preserve and protect the very territories which General Taylor is now forming into States.† I have no time to notice this matter further than to say, that I consider *the territorial policy* of *the* present Executive a lawless interference with the rights of the people there, and the action of Congress here, "unnecessarily and unconstitutionally begun," and which might have "been avoided without the loss of national honor."

At the commencement of this session, the representation upon this floor is supposed to have stood 116 Democrats, 114 Whigs—counting in their respective Free-Soilers. Since then a change of one has occurred, and it may now stand 117 Democrats, 113 Whigs. Of the Whigs 29 are South, 84 North; of the Democrats, 62 are South, 55 North. In the Presidential election of 1844, Polk, Dallas, and Texas received in the North 106 votes, in the South 64; Messsr. Clay and Frelinghuysen received 58 votes in the North and 47 in the South. The annexation of Texas has raised a northern Whig tempest, which has swept away near half our Democratic friends, and threatens soon to leave not one behind. These facts point the South to her remedy. There is no need of arms, if we will vote right. But we are divided. Of southern men, some are openly against us—such as the gentleman from North Carolina, (Mr. Stanly.) Nor can I trust fully all those who seem to be with us—to save their places they now fly with the southern whirlwind; when it is over they will again set their sails to the northern tempest.

Gentlemen will pardon me: Some of you have not given me such evidence of your change as I could desire. You voted against the South in 1848, that could be forgiven, you may have been deceived; but why should the gentleman from Louisiana (Mr. Conrad)‡ abuse the Democracy for the acquisition of this territory? If it really be worthless, let

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* Mr. Conrad, a Whig member from Louisiana, in his speech, (28th February, 1850,) speaking of General Cass's course upon the slavery question, said: "I differ from that gentleman in many important questions, but I take this opportunity to declare that, for the independent stand he has taken on this question, and the ability with which he has maintained it, he deserves the gratitude and respect, not of the South only, but of every friend of the Union."

† Mr. Polk, in his last annual message, says: "The existing condition of California, and that part of New Mexico lying west of the Rio Grande and without the limits of Texas, imperiously demand that Congress should at its present session organize territorial governments over them. Impressed with the necessity of establishing territorial governments over them, I recommended the subject to the favorable consideration of Congress in my message communicating the ratified treaty of peace. Congress adjourned without making any provision for their government. Since then, the very limited power possessed by the Executive has been exercised to preserve and protect them from the inevitable consequences of anarchy."

‡ In his speech in the House, February 28, 1850, he said:

"I now say that I would willingly give Mexico twice as much to take back the country as it cost us."

our northern brethren have it all. I love them much better than the Mexicans. At any rate, do not require us to believe that you are the best possible defenders of southern interests to a territory whose acquisition you now affect to deplore as a great national calamity. Besides, your position is somewhat unfortunate for your professions—you are in combination with a powerful party in the North, whose popularity at home is based upon deep hostility to southern interests. So far as I can see, you are in the daily habit of supporting that party by your votes, notwithstanding your mighty speeches.

Sir, it cannot be denied that northern Whiggery, under the auspices of the late Ex-President Adams, has long been kindling a mighty fire, which is now consuming this Republic. This territorial question is the fuel that to-day sends the hissing flame to the heavens. Settle this, and the blaze is extinguished forever—the Republic is saved. Who says "keep it open?" the President and his party—and for why? It can only be that northern Whigs may still have it to agitate upon, that the South may be threatened with the army and navy, and the whole country forced this time, as fraud will no longer avail, to elect a southern man with northern principles.

Sir, I do not desire to do the President injustice; he is a great man, some have thought perhaps the greatest lover of office in the universe; he is also a distinguished warrior, and has promised us to follow "the practice of the earlier Presidents." And so are all his Cabinet distinguished gentlemen; and that the whole country may have a rule by which to appreciate them, I present one drawn by Lord Brougham in his lives of eminent statesmen. Says this writer:

"Jefferson made it a rule never to remove an adversary because his own partisans required it; never to retain one because his enemies threatened him; he who is seduced or deterred from his duty does not rule; but obey; he *pretends* to guide when he slavishly follows; he would be understood to act for himself while he is a tool in the hands of others; he meanly undertakes the responsibility for the sake of the patronage, they dictating his course, while they skulk in the dark."

I also desire to treat northern Whigs with perfect fairness. I confess that I believe that some of them would now gladly escape from the dark pestiferous cloud which party tactics have raised around them; but alas! how powerless. The great Massachusetts Senator is daring and patriotic; he makes a mighty effort to do justice and save the Republic. With great boldness and magnanimity he has told us that he would have nothing *more* to do with the Wilmot proviso, *because* he did not need it; that the laws of God, the policy of the President, and the California proviso, had killed us so dead that he would not condescend to strike us. And nobly does this lion frown down the vile jackalls of his party—those Mexican lancers following the Whig camp to gather the spoils, murder the wounded, and mutilate the dead; and well have we thanked him for it—we have thrown up our caps and shouted glory to "the God-like," glad to know that even in death his spear would not pursue us. "How fallen," how melancholy yet how true is this picture. Gentlemen may hide their eyes from it, but it is as palpable as air. I feel it; I breathe it. The South is degraded; the sword of power has been hung up between her and the territories, like the sword of God before the gates of Paradise, to forever bar our entrance. And all this has been adjudged against us because of the sin of slavery. Live on, ye submissionists, ye

degenerate sons of gallant sires, forever if you may, in your infamy. I envy you not, but I have a life which at all times, under the providence of God, I shall be ready to dedicate to the cause of justice and freedom. For me no confinement but the Constitution or the coffin, is the doctrine for which I will live and die. I do not say these things to excite myself or any one else; I desire to settle this question fairly if we can; if not, my policy shall be to oppose your encroachments here calmly, firmly, fearlessly, and patriotically I hope, by all the means that legislation may afford. If all should fail, and you break and scatter the Constitution to the winds, I hope our reason, our courage, our patriotism will remain. But why will you not pause? If you have power, show us that it is a power to do right and not inflict wrongs. Injuries from enemies are oftentimes forgiven, but when my brother tramples upon my heart, the separation is eternal.

I will say but little about slavery. Like most of those religious questions that have disturbed the world, all may talk about it, but none can settle it; and for this very reason it is the more dangerous. *Uncertainty* begets superstition and fanaticism—which are dark, boundless, and terrible, capable of all things—of this we have eminent examples in history.

It is written that the followers of Mahomet caught the water with which he washed, *licked* up the spittle that he spat, and gathered every hair that fell from his head. Charles V., of Germany, kissed the feet of the Pope who had been his prisoner. The monks of St. Dennis expelled the celebrated Abelard, because he would not believe that St. Dennis, after having been beheaded, caught up his head and walked away with it. Pope Calextus III., (in the fifteenth century,) directed the thunders of the Church against a comet, which he supposed had aided the Turks in a late battle against the Christians.

A time was when the power of Spain threatened to subjugate the world. Her monarch became a *conscience party*—civil war ensued—one hundred thousand gallant men were exiled; eighteen thousand more perished by the inquisition and the gibbet, for opinion's sake, about a question, the truth of which, the world is yet in ignorance. From that hour Spanish glory faded, and not from the conquest of Mexico, as has been erroneously argued by the gentleman from Massachusetts, (Mr. Ashmun.) Superstition got up the Crusades—hurled Europe upon Asia, inflicting countless calamities upon the inhabitants of both continents—showing that Christianity itself is not a blessing but a curse, when forced upon unwilling nations by legislation or the sword.

You had as well speak to the ocean as argue with fanatics. I do not speak with a hope of convincing them, but to define my own course. It has been said that *slavery is a "doomed institution;"* and so I believe—"doomed" to exist forever. It is one of the oldest institutions among men. In every age, in every clime, it has been practiced and sanctioned by mankind, whether acting upon the light of nature or of revelation. Indeed, among men, Christianity itself has not so many evidences in its favor—a small part of mankind have been Christians, while the practice of slavery has been universal. Solon and Lycurgus are known to us by the fame of their legislation: they made no laws against slavery. Greece and Rome, the most distinguished and civilized of ancient nations, were slaveholders. Our Constitution, the work of our fathers, recognizes

it. Our Savior stood upon the world amid slaves, where the master had power over the life of the servant—he did not rebuke it or denounce it as a crime. And I trust that I will be pardoned for resting my conscience upon these high authorities, and for declining to commit it to the keeping of these modern free-soil saints, who have so much trouble in *keeping their own.*

There is one other consideration which, with me, would be conclusive of itself. I hold that the prosperity and happiness of a people are the best evidences of their virtue. With the possession of slaves, the progress of this country has been onward and upward, with a power so mighty and a flight so rapid as to leave no doubt upon my mind but that the approving smiles of an overruling Providence have rested upon us. This fact alone, with sensible men, should outweigh all the sophistry of mere theorists. It stands out upon the dark wave of speculation and fanaticism, a mighty rock of common reason, upon which the mind may repose in peace, security, and sunshine.

Sir, I have no use for that patriotism which is purer than our fathers'; that wisdom which rises above the Constitution, or that hypocracy which affects to be more holy than Christ himself. We all know there is a way of saying one thing and doing another—of setting the features to the semblance of virtue, while deep corruption and black hypocracy pervade the *soul.*

We are told that England and all the civilized world are against slavery. The gentleman from Massachusetts (Mr. Mann) has given us a glowing description of the "progress" of our runaway slaves in England, and the "*princely attentions*" paid them by British lords and ladies. That England should do this, is what I should expect; but that any man in this country should be fool enough, or knave enough to applaud her conduct, is humiliating indeed—England, where all are politically unequal; where the lords sit beneath the throne upon the people, still lower down, all shorn of their rights to decorate the Crown. I remember she called our brothers of Massachusetts rebels, in 1776. We, the people of the South, helped to prove the falsehood on her; and now, in vengeance, she is truly the mother of abolitionism—she has sent forth her emissaries to plant this dark spirit in the bosom of our country, which she fondly hopes, sooner or later, may rend this glorious Confederacy into atoms. Sir, I am not willing to be judged by England, or by kings and princes; the time has come when we are to be the judges of them, and not they of us. The genius of our institutions is in conflict with theirs. The struggle has commenced; that they will abuse, is a matter of course, and I suppose the peculiar organization of certain gentlemen is a full apology for the conduct. Some minds, like rivers confined by nature to narrow channels, when swollen out their banks by an accidental rise, collect and bear along upon their muddy currents all that is despicable and filthy in the land. Such men, and such minds, aided England in the days of the Revolution; held out blue-lights to her in 1812, and it would be strange not to find them aiding her now.

It is said that the laws of Mexico are in force in California, and that slavery is thus excluded. I am not of that opinion, nor do I care for a learned argument to dispose of this question—a little common sense is better. I assume, if any are in force, they all must be—and this would

give us the Catholic Church as the established religion, and the slavery called peonage—consequences which none will admit, and which I see no way of avoiding, unless they are destroyed by the operation of "that higher law," the *conscience of Free-Soilers.* The cases of California and Texas are different; we treated with Texas as an equal, and admitted her into the Union with all her rights and laws, not inconsistent with the Constitution. With California we made no contract; we purchased the territory from Mexico—we bought neither law, religion, nor citizens—it was simply land, and nothing more.

It is true, we agreed to admit certain persons as citizens upon the happening of certain events; but this agreement did not of itself make them citizens, for the contingency might never occur; and until it did occur, they were no more citizens than the Indians upon the lands sold to the United States, an act of Congress being as necessary to citizenize the one as the other. We imposed no yoke upon them—we did not force them to become citizens. So that the rule, that when nations are subjugated, their laws shall be in force until altered by their conquerors, has no bearing on this case. Having, then, acquired California, simply as property, slavery was neither enacted nor abolished therein—it became the joint property of the people of this Republic, upon which each of its proprietors might lawfully enter with his peculiarity. A joint title in all laws gives the right to a joint possession and enjoyment, independent of person, habits, or occupation. The slaveholder must come with his slave, and the northern man with his manufactures—the one may think it a misfortune to have acquired property jointly with the other, but that opinion of his will not give him title to the whole. The only remedy is partition. This we propose.

And here you meet us with the Wilmot proviso. Other gentlemen on this side of the House have shown its unconstitutionality. I will add nothing to the legal argument. I will measure it by the rule of common justice. If Congress had the power, it would be wrong to enact it, and a poor return for the blood of southern men shed for these territories. It is true you very generously concede to us all the glory of the "plunder and conquest," and the record does show that we furnished many of the soldiers that acquired it. Yet you say that our half would be ruined, that you must have it all; that our opinions are worthless and yours must prevail; and you are a mighty people, *honest and conscientious.*

Now, Mr. Chairman, if this is not modesty and fairness, it is at least chivalry, and without a southern parallel. But I do not desire to insult any man; I wish to reason with all. You have no need of the proviso. If it be true, as argued by the ablest statesmen of the North, that the law of God has excluded slavery from the territories, or if it be true as asserted by Free-soilers, that communities where all are free are much more enterprising, powerful, and happy, than those were African slavery exists, then you will never need it, all history proving that a powerful and prosperous community, in close contact with one less so, will triumph over and destroy the latter, as surely as the white does the Indian. If this be our fate, we will submit; we will not ask Congress to legislate to propagate our institutions; but we want no proscription—do you?

This is a great era—we should beware of the tricks of dwarfs, the follies of age, and especially of spirits not American. In prescribing

limits to African slavery, it is well to see that we do not prescribe the Republic. The North may yet want Cuba as a market for her manufactures. The South may need Canada as a purchaser of her produce. The ambitious, the patriotic, may yet cherish in their bosoms the vision of an ocean-bound republic, rising from this vast continent above the nations in peerless grandeur. Sir, I predict nothing. The future will unfold itself. But I do believe that we have a great, a magnificent country, whose destiny, like the sun, will be onward and heavenward through time. With me, the melancholy experience of the past has no place among the mighty hopes that cluster around us. If we are not false to our destiny, imperishable glory and boundless renown is ours. And for this purpose, I want all the country, the East and the West, the North and the South. It takes it all to make a great country. You of the North and East have capital, commerce, and manufactures; we of the South and West have agriculture and arms. We have much need of you, and you, perhaps, more need of us. You now can out-trade the world, and the future will show, that we can whip the "rest of mankind." This is my section, a section in the world and not on a continent. This last would be a little business for a great people. I make these suggestions, hoping that gentlemen may find in their contemplation as much pleasure as I have in considering the Wilmot Proviso. That this measure, with all of its supporters, will go down in disgrace I have no doubt—such men as affect to be its leaders would ruin a better cause. Their present seeming importance should mislead no one as to their ultimate destiny. History tells that there once lived a prince, who was king of the assassins, whose diabolical deeds made all the world for a time tremble. That prince is now only known to us by his infamy; and such will be the fate of the miserable agitators who are now urging on two great communities to bloodshed and war.

It is our duty, sir, to settle this question. We must settle it, if we would save the Republic. If northern Whiggery (and the President) will aid us, I am willing that they shall share the honor; but if they stand off for party purposes, there will be no southern Whiggery hereafter. But few words are necessary to understand each other. To admit California as she now is, would, in my opinion, be to do a thing wrong in itself, and to make a bad precedent, which in future times may bring some great calamity upon us. It is always safe to follow the law, and dangerous to tread unknown paths; and this is all the argument that any need use who vote against her admission. No man contends that she has come here in the usual constitutional mode. There is not a single fact of which we have legal proof—we are asked to act upon presumption, hearsay, and belief. I object to her boundary, and the mode of her coming; yet I may, perhaps, vote for her admission, provided governments for the territories are formed at the same time, neither enacting nor abolishing slavery therein, but submitting that question to God and the people who may settle them. I know no higher tribunals than these—Saint Seward and certain other Saints on this floor to the contrary notwithstanding. If you refuse this, I warn you that the business of bringing in California may be yours—not mine. I shall offer her a territorial government with the other territories—a thing which Congress ought long since to have given. I know that northern whiggery and free-soil-

ism have said, "no more slave States—no more slave territories—better disunion, better civil war, better anything that God in his providence may send, than an extension of the bounds of slavery." Confine it, and, like the cancer that is tending to the heart, it must be eradicated, or it will eat out the vitals." These quotations are from two speeches, but it is the policy of all.

Now, suppose the South and West should say to the East, your system is wrong, we are "conscientious." You wring from our free white brothers and sisters of the North far more toil than we exact from our slaves. You work "barve men and fair women" twelve hours each day, with four holidays in the year; and lamps not lit on Saturday. This system looks to immortal men and women, as to the iron and soulless spindle, only to count the cost of more—it not only "unmans a man," but it unmans the women and the Republic—our heroes will not be found of the servants of Abbot Lawrence, nor our defenders come from the walls of manufactories—our people are like our eagle, who, to be strong, must be free; caged in cities, his spirit droops and dies. We will draw a line of legislation around your cities, your manufactories, and your homes—we will confine you in a narrow circle, until you shall be glad to abandon all that you now hold dear. Would this not be a bold aggression upon your rights, which, if persisted in, would lead to civil war? Would we not be the enemies of the Republic, by attempting to destroy a large amount of property which constitutes part of our national power?

But you want our slaves to be free and our equals, and have votes. Does any one, north or south, even the most distinguished Free-soil saint, suppose that we can consent to this? They surely would not have us do it if we would, and they could prevent us. We know our slaves are not capable of self-government. We prefer to trust our northern brethren, who have won the title of "the free and brave" on so many fields. Three millions of slaves turned loose among us, would be fit instruments to make us all slaves. Gentlemen complain that they are now partially represented by white men in Congress, and I answer that they would then be fully represented by negroes—and even now it seems that we, it is, who ought to complain. I see no reason why a negro south, ought not to count as much as a *negro* north—and it does seem strange, that gentlemen holding places here by negro votes, should complain that others were here by negro laws.

But it is not worth while to reason upon this subject while the southern heart is as it is. For the negroes as slaves, we care for them. If they were absent, we perhaps might not lament; but sooner than have them turned loose among us, to be our equals, to disgust us by their vices, insult us by their insolence, to degrade our name and our posterity by a vile commingling of races, we would pray to God that the ocean's wave might blot us from the world—yea, gladly accept the glories of the past, and hope for us no future might be written. I am ready for war, subjugation, or extinction—for all the evils that have ever befallen man, rather than this; and if I believed the people of my State, either now or in time to come, would basely submit to be thus degraded, I would this hour leave her, and seek elsewhere, a race more noble, with which to cast my destiny. But she will not, she cannot.

From the report of the Comptroller of the State, it appears that in 1849—

Her lands taxed were valued at - - - - -	$77,830,788
Her slaves taxed were valued at - - - -	$51,377,630

But slaves under twelve years and over fifty, are not taxed. By the census of 1840, Tennessee had 81,481 slaves under ten years; adding an average number for those between ten and twelve, I estimate the slaves not taxed to be worth - $19,000,000

Which gives a slave property for Tennessee of - - $70,000,000

Only seven millions less than the value of all our lands. This is what Tennessee is asked to give, sooner or later, to ease the conscience of Saint Seward, Saint Mann, and their fellow-saints. But other States are asked to give far greater sums. And I have made a statement, from the census of 1840, of the population of nine of the slaves States, from which they, and others, can easily tell the amount they have to give, and the condition they are in:

Alabama	Whites, 331, 855 Slaves, 253,532
Georgia	Whites, 407,695 Slaves, 280,944
North Carolina	Whites, 484,870 Slaves, 245,817
South Carolina	Whites, 259,184 Slaves, 327,038
Virginia	Whites, 740,968 Slaves, 448,987
Mississippi	Whites, 179,074 Slaves, 195,211
Louisiana	Whites, 158,457 Slaves, 168,442
Kentucky	Whites, 590,253 Slaves, 182,258
Tennessee	Whites, 640,627 Slaves, 183,059

It is seen that in Mississipi, Louisiana, and South Carolina, the slaves are a majority; if liberated they would elect Congressmen; and instead of the pure white blood which now sits here, we would have over on that side of the House some twenty or thirty shining darkies, sending forth their odoriferous fragrance to gladden the olfactories of God's "peculiar saints" from Massachusetts and Ohio, while their southern white brethren would be ground down into hopeless infamy and ruin; their wives and daughters the victims of negro brutality. Let those who hope to accomplish this end attempt it; and should we prove base enough to sit in cowardice and silence, our revolutionary heroes that slumber will rise from the grave; our rocks and mountains mutter forth their vengeance.

De Tocqueville, the French writer upon Democracy, says:

"Those who hope that Europeans will ever mix with negroes appear to me to delude themselves."

"Hitherto, wherever the whites have been the most powerful, they have maintained the blacks in a subordinate or servile position; wherever the negroes have been strongest, they have destroyed the whites."

And this is the true issue that abolition and the *Wilmot proviso* presents us: Shall the white race in the South be destroyed, or the negroes continue slaves?

Upon this issue northern Whigery stands up in a dark column to do battle for the negroes, and against their white brethren; and I regret to say that we find upon this floor a few gentlemen calling themselves Democrats, who are following their example.*

They are no Democrats for me, and can never get my vote for anything until they have repented, and turned from the error of their ways.

To conclude my views upon this point I would say, that we were always freemen, and never declared our liberty, but our Independence, which means simply freedom from British rule; that our Revolution was not prosecuted to change the social, moral or civil condition of the people of these colonies, but to transfer their allegiance from the English Crown to themselves. Our declaration was the declaration of a free white race for themselves. It left the negro where it found him, to his destiny with his master. One of the charges against our sovereign was, that he had endeavored to excite our slaves to rebellion, as the gentlemen from Massachusetts and Ohio now do.

But another greater cause was this. We were the colonies of Great Britain—that is, the inhabitants of her territories. We were no part of the kingdom—were not represented in Parliament; they asserted the right to legislate for us; we denied it because not reprsesented. Our people on our territories are our colonists. When we make laws for them they are not their laws. They are not represented here. We assert over them a right, for the claiming of which by Great Britain, all the blood of the Revolution was shed. Sir, I want our colonists upon our territories to have the same rights which we claimed from Great Britain. If they want slavery let them have it. If they abolish it let them do it. They need no St. Joshua, St. Joseph, St. Horace, St. Seward, or any other saint or usurping Congress, to guide their consciences or control their actions.

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*Mr. Williams, a Whig member from Tennessee, in his speech in the House on the 18th of March, 1850, said:

"I have heard several members on the other side of the House declare their willingness to trample under foot the Wilmot Proviso, and so to quiet the public mind; and I am also informed, from a reliable source, that there are twenty Democrats, members from the free States, willing to risk their popularity, and settle the question on the terms demanded by the South two years ago. I honor them both for their patriotism and their courage. *It has been my boast that I had ever belonged to the great conservative party of this Union—to the Whig party.* It is a mortifying fact to me, that up to this hour, no Whig in the House of Representatives has yet avowed, in his place, his determination to follow the self-sacrificing example that has been set on the other side. *I have ever* believed that the Whig party was the great conservative party of the Union. The hour of trial is upon us, and if that great party should now fail of its duty, and should not come up to the just expectations of the country, I am for a dissolution, not of the Union, but of the Whig party."

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SPEECH

OF

HON. J. A. SEDDON, OF VIRGINIA,

ON THE ACTION OF

THE EXECUTIVE IN RELATION TO CALIFORNIA.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, JANUARY 23, 1850.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1850.

PRESIDENT'S MESSAGE—CALIFORNIA.

The President's Communication, in reply to the Resolution of Mr. VENABLE calling for information in relation to California and New Mexico, being under consideration—

Mr. SEDDON said:

Mr. SPEAKER: The action taken, and the course of policy recommended by the Executive to be pursued in reference to California and the Territories lately acquired from Mexico, as developed by the message and documents now on your table, are to my mind so strange, startling, and dangerous, as to demand at the very first opportunity, even on the motion to print, examination and exposure. I should have been better pleased if this duty had been undertaken by some member of more weight and reputation, who might have commanded in larger measure the attention and confidence of the House and the country; but since none such seem to have directed their special attention to this matter, and to be now prepared to expose the character and tendencies of that message, I, sir, humble as I am, feel imperatively bound to make the attempt, and to invoke the most serious attention of the House and the country to them.

For a clear perception of the action and policy of the Executive towards California and our other acquisitions, and of their tendencies, it is necessary to advert to and ascertain the condition of those Territories, and especially California, at the close of the war with Mexico—the relations existing then between them and the United States—and the obligations resulting. For brevity, I shall for the present refer to California only, though the same observations will apply with equal propriety to all our other acquisitions, not belonging to Texas.

During the war, California had been subjugated by the prowess of the American arms, and was held, after all resistance had been quelled, in tranquillity under military domination. By the treaty of Guadalupe Hidalgo, which restored peace, California was ceded by Mexico in absolute sovereignty to the United States, in part for the consideration of a large sum of money, $18,400,000—much the greater portion of which is yet to be paid. By those means, California became a Territory of the United States. The Constitution of the United States, as far as applicable, extended over it, and became "*the supreme law of the land.*" The sovereignty over it was ceded to, and vested in the sovereign States of this Confederacy—the United States. In them was vested the eminent domain, the ultimate proprietorship of the whole. Whatever of legislative power could be exercised over territory of the United States, in conformity to our Constitution, the rights of the States, and the principles of our institutions, appertained to, and was vested in the Congress of the United States over it. The relations of the Executive of the United States, his rights and his duties in respect to this territory, were established and existed under and by virtue of the Constitution of the United States, and were by it to be ascertained, limited, and defined. They were purely Executive, and under the Constitution could be neither judicial nor legislative.

At the conclusion of the war, a *de facto* government existed in California. Until the interposition of the legislative power, according to well established principles of national law, that *de facto* government continued from necessity and to avoid anarchy, based upon the presumed acquiescence as well of the superior legislative body as of the people over whom it operated; but in subordination, of course, to the Constitution of the United States, which had become the supreme law, and to the paramount rights and obligations resulting from the new relations of California as a territory of the United States. The rights and duties of the President of the United States, in reference to that government and the territory, were simple and clear. They were exclusively executive. Until the action of the legislative power, he was bound to maintain that *de facto* government, to see to the due execution of its laws, in subordination of course to the Constitution, and to preserve peace and good order. Under our Constitution, all the executive power granted is vested in the President of the United States. Of course, then, the governor of the *de facto* government was his subordinate, exercising his powers, responsible to his authority and instructions, and removable at his will. No greater powers or rights were or could be vested in or exercised by him than by the President under the Constitution; and his acts, not disavowed, but either directed, assented to, or approved, were the acts of the President. He no more than the President, the subordinate no more than the superior, could rightfully claim or exercise either judicial or legislative functions.

Such, I submit with confidence, defined with accuracy and precision, were the new relations established by the treaty of peace with California, the rights and duties of the United States and the coördinate departments of its government in reference to that territory and its existing government. We are now prepared for the all-important

inquiry, to which I invoke earnestly the grave attention of the House and the country: how far the action and policy of the past and present Administrations conform to them?

It is intimated, rather than directly expressed in the message on your table, that the course and policy of both Administrations in this respect have been similar—in effect the same; that of the present Administration being only in pursuance and further development of the line of policy adopted and commenced by the last. This does not appear to me to be just or true, and I feel bound so to declare. If I know myself, Mr. Speaker, I can solemnly aver that in the view I take of this whole subject, and in the animadversions which a sense of duty constrains me to submit on the course and policy of the present Administration, I am influenced by no feelings or considerations of party—I have no animosities against the present Administration to gratify; as my best friends know, no feeling of bitterness or hostility, but, on the contrary, sincere respect and kind feeling towards the President. At this time particularly, God knows, I would allay, not arouse, party acerbities; and in the South particularly, would obliterate all distinctions between Whigs and Democrats, and band all in cordial union and harmonious coöperation in steadfast maintenance of our sectional rights, and stern resistance of the wrong and insult menaced us. In my view, Mr. Speaker, the subjects of my examination soar far above party. They ought to be investigated in the highest spirit of wisdom and patriotism we can command. They involve the gravest constitutional inquiries, and directly affect the most essential rights and institutions of the South. Although a friend and supporter of the late Administration, I do not, on that account, make the distinction I have done between its action and that of the present Administration. Did I believe them similar, or the same, I would no more hesitate to condemn then than now—no more than I hesitated decidedly to reprobate the unwarrantable action of the late President in affixing his signature to the Oregon bill. Believing, as I sincerely do, the action and policy of the present Executive, in relation to California, to involve grave violations of the Constitution, gross usurpation of powers, and to be most insidious and fatal to the rights and interests of my section in particular, I am bound, in sheer justice, to acquit the memory of that eminent constitutional jurist and able President, James K. Polk, from the imputation of originating or sanctioning them. Not doubting the distinction to exist, I am bound, by a yet higher consideration of general good to exhibit it, to prevent the weight, influence and authority of the late Administration from being adduced to aid as a precedent in sustaining and establishing an action and policy so unconstitutional, so wrong, and so hostile to the cause of the South.

So far as appears from the message and correspondence published in the papers, and which I have been able to see, the sole pretext in reality existing for the assumption that the action of the present Administration is in pursuance and development of the policy of the last, is, that the Governor of the *de facto* government was the same individual under both Administrations, being appointed by the former and continued by the present Executive. This certainly does not suffice. He was, at all times, during the present Administration, subject to its authority and instructions, and removable by it. We must look to the acts of the two Administrations, and the written authority given to its agents by them.

That of the past Administration was in strict conformity to all the principles which I have carefully stated as applicable and obligatory. My brief hour will not allow me to read the able letter of Mr. Buchanan, conveying the views and giving the instructions of the late Administration to its agent selected to go to California. I can only ask attentive consideration to it. In it, it is distinctly recognized that California had become a territory of the United States; that the sovereignty over it had been ceded to, and was vested in the sovereign States of this Confederacy—the United States; that the Constitution of the United States, as far as applicable, extended over it as the supreme law; that such legislative power as, conformably to the Constitution and our institutions, could be legitimately exercised, was vested in, and could be employed only by the Congress of the United States; that, until the intervention of such legislative power, the *de facto* government existed, and would continue; that the powers of the President were purely executive, and confined to the maintenance of that government, the execution of the laws, and the preservation of peace and good order. With equal address and ability, Mr. Buchanan presents to the people of California the privileges they may expect to derive from becoming annexed to this great and free Confederacy, and the brilliant prospects which may be opened to them by hereafter becoming States and members of so glorious a Union. He enlarges on the advantages they may expect to derive from the introduction of our admirable land system, the rapid growth and development which awaited them under our fostering care and free institutions. He explains to them, too, some of the causes which had prevented Congress from extending its legislative action to them; expresses the hope, that at the next session such causes will not longer impede; and engages, as the Executive was clearly entitled, to make to Congress an earnest recommendation of early and efficient legislation for the Territory. In brief, he uses many arguments to reconcile the people of California to their new relations, to the omission of Congress to legislate, and to satisfy them with the existing state of things. With no less care does he avoid any invitation to the people to take independent action for the adoption of other forms of government or other institutions. He neither assumes, nor invites them to assume, legislative or judicial functions; but urges them to await the action of Congress, as possessing the only legitimate authority to effect those ends. He gives no opinion as to the operation of Mexican laws over the relations of persons, further than to say: all existing laws are in subordination to the Constitution, as the supreme law; but leaves all such matters where they rightfully belonged—to the existing judicature. In all this, I submit, there is much to commend, nothing to condemn. Would that the action of the present Administration had been the same. I should have been the first to approve.

After the example of the former Administration, the present likewise sent out a special agent (the Hon. Thomas Butler King) to California. In a

letter from the Secretary of State, Mr. Clayton, to him, we have his instructions as far as given in writing; and in the special message on your table, we have the explanation of the President as to his motives and purposes, and an avowal of the action and results which have followed from his suggestions. From these authentic sources, I learn the action and policy of the President, which I condemn. The gentleman from Texas [Mr. HOWARD] on yesterday called attention emphatically to the significant intimation in the letter to Mr. King, that he was familiar with the views and sentiments of the President, and could suggest measures best calculated to give them effect. He inferred that the most material instructions might have been given orally, and that we were to look to the action in California subsequent to the arrival of Mr. King, to interpret them. The intimation of the letter certainly was indiscreet, for it placed the President very much at the mercy of the agent, and confided to his mere discretion the representation of any views and wishes not inconsistent with his written instruction, as those of the President. I do not, however, consider it either liberal or just to suppose, that instructions variant from, or in material addition to, those given in writing were imparted orally to Mr. King, especially as the President, by omitting to state such in reply to the call of the House, impliedly repels the presumption. We should take the letter and the message as the only authentic exposition of the instruction and action of the President. I confine myself to them, and indulge no suspicions.

I cannot read these documents in full, though I must ask particular attention to them. Yet, to avoid the possibility of injustice, I quote several passages, which I intend mainly to refer to.

In the letter to Mr. King, Mr. Clayton says:

"You have been selected by the President to convey to them these assurances; and especially the assurance of his firm determination, so far as his constitutional power extends, to omit nothing that may tend to promote and secure their peace and happiness. *You are fully possessed of the President's views, and can with propriety suggest to the people of California the adoption of measures best calculated to give them effect.* These measures must, of course, originate solely with themselves. *Assure them of the sincere desire of the Executive of the United States, to protect and defend them in the formation of any government*, republican in its character, hereafter to be submitted to Congress, which shall be the result of their own deliberate choice; but let it be at the same time distinctly understood by them that the plan of such a government must originate with themselves, and without the interference of the Executive.

"The laws of California and New Mexico, as they existed at the conclusion of the treaty of Guadalupe Hidalgo, regulating the relations of the inhabitants with each other, will necessarily remain in force in the Territories. Their relations with the former government have been dissolved, and new relations created between them and the Government of the United States; *but the existing laws, regulating the relations of the people with each other, will continue until others, lawfully enacted, shall supersede them.* Our naval and military commanders on these stations will be fully instructed to coöperate with the friends of order and good government, so far as their coöperation can be useful and proper."

The President in his message in avowing his action, says:

"*I did not hesitate to express to the people of those Territories my desire that each Territory should, if prepared to comply with the requisitions of the Constitution of the United States, form a plan of a State constitution, and submit the same to Congress, with a prayer for admission into the Union as a State;* but I did not anticipate, suggest, or authorize the establishment of any such government without the assent of Congress, nor did I authorize any Government agent or officer to interfere with or exercise any influence or control over the election of delegates, or over any convention, in making or modifying their domestic institutions, or any of the provisions of their proposed constitution. On the contrary, the instructions given by my orders were, that all measures of domestic policy adopted by the people of California must originate solely with themselves; that while the Executive of the United States was desirous to protect them in the formation of any government, republican in its character, to be at the proper time submitted to Congress, yet it was to be distinctly understood that the plan of such a government must at the same time be the result of their own deliberate choice, and originate with themselves, without the interference of the Executive."

I add a paragraph from the despatch of the commander of the Pacific station, to show, that while General Riley, as governor, was contemplating similar movements, Mr. King arrived before they had been acted on, in time to have arrested them, and that it was matter of congratulation that the Administration had approved of them by anticipation:

"The steamer Edith has been sent to Mazatlan for the necessary intelligence, and, on her arrival with information that no other than a revenue law had been passed, General Riley issued a proclamation for the election of the necessary executive and judicial officers under the existing laws, and recommending, at the same time, the election of delegates to a convention to form a State constitution. *Mr. King arrived at the time these proclamations were about being issued, and it was matter of great congratulation that the Government, by anticipation, had approved of the latter measure.* Every means will be used to give the people of California an opportunity of expressing their wishes on this point, and of bringing the matters to a happy conclusion."

Also, a brief extract from a subsequent dispatch of the present Secretary of War to Governor Riley, distinctly recognizing and approving his proclamation, and the steps taken by him to effect an organization of a State government:

WAR DEPARTMENT, *August* 24, 1845.
[EXTRACT.]

In view of the exercise of the most important political right which appertains to the people of California—that of forming a constitution and asking admission into the Union of these States—this Department has watched with great care and solicitude the steps already taken to effect these objects. Regarding your proclamation of the 3d June last as a notice intended in part to render popular action uniform in respect to the desired organization into a more perfect government, it is seen, with great satisfaction, that your propositions had been accepted with great cheerfulness and alacrity, except in few instances, where it is supposed selfish and unpatriotic motives prevailed.

* * * * * * * * *

GEO. W. CRAWFORD, *Secretary of War.*
Brevet Brig. Gen. RILEY, *Monterey, California.*

I have italicised a few sentences to attract more particular attention to them. In other respects, they are transcripts strictly.

They exhibit, as I contend, Mr. Speaker, unconstitutional action and gross usurpation, on the part of the Executive, of both judicial and legislative powers. Unless I greatly err in construction, the evidence of the former will be found in the second paragraph of the first extract from the letter to Mr. King, and in a matter most seriously to prejudice the just rights of the South. It is well known to the country that one of the gravest matters in controversy between the North and the South, in relation to our new acquisitions, is, how far the Mexican laws regulating the relations of persons, continued and availed to preclude the relation of master and slave, after they became territories of the United States; and whether the Constitution of the United States, and the new relations subsisting between such territories and this Confederacy, composed in half of slaveholding States, did not override and abrogate all Mexican laws abolishing or interfering with that relation. The South has always so contended, and deemed

the matter of the highest moment. Her most eminent statesmen and jurists have sustained and justified the opinion. This very matter constituted the subject of the memorable compromise, known by the name of the author of these very instructions, which was devised for the sole purpose of testing this question before the highest judicature of the land, and after receiving the sanction of the Senate, was, from peculiar causes, defeated in this House. The nature and import of this question must have been fresh in mind, and fully understood by the Secretary of State. It was emphatically a judicial question to determine whether the laws of Mexico regulating the relations of persons, continued and prevailed in California, and belonged, until the legislation of Congress afforded appeal to the Supreme Court, appropriately and exclusively to the judiciary (such as it might be) of the *de facto* government in California. Yet this whole question is summarily determined by the fiat of the Executive, "*that the existing laws regulating the relations of the people with each other will continue, until others, lawfully enacted, shall supersede them.*" There is not the slightest reference to the possible effect of the Constitution as the supreme law, or of the rights vested in the States of the Confederacy, of which the institutions of one half were directly affected, in modifying or overruling their operation. There is only in immediate connection—I would trust from no sinister motive, but certainly suspiciously—a significant intimation that the powers of the army and navy may be invoked in aid of the friends of order and good government; That is, it is fairly to be presumed, as thus understood and prescribed by the Executive. When the imperfect nature of the judicature of the *de facto* government is considered, and the character and limited knowledge of the alcades and judges (many of them Mexicans unacquainted with our institutions, and accustomed to yield implicit deference to the Executive will) are reflected on, is it not apparent of what controlling weight and dangerous tendency must have been this unqualified opinion of the President? It cast his whole weight against the rights of the slaveholder, and effectually settled, during the existence of the *de facto* government, this purely judicial controversy, against us and our cause.* I shall have occasion to refer to the effect of this again. For the present, I pass on.

I come, now, Mr. Speaker, to the main feature of unconstitutional usurpation in the action of the Executive. It is clear that the Administration *desired*, and expressed to the people of California *the desire*, that they should proceed to form a State constitution, and establish a State government, preparatory to asking admission into the Union. It authorized its agent, fully informed of its views, "*to suggest the adoption of measures best calculated to give them effect.*" The Executive did not merely tolerate or connive at the action of the people. It invited and recommended it. Through its subordinate, the Governor, it determined the time of acting —of election in effect—the qualifications of electors, and all the necessary details for the assembling of the convention. It is true, the President manifests solicitude, that the people, when thus assembled in convention, should be entirely free in the formation of the plan of their new government, in the adoption of their constitution, and the establishment of their domestic institutions. He likewise has all the time reference to their intended prayer for admission into the Union, and to the necessity of the supposed assent of Congress thereto. With strange inconsistency and confusion of ideas, the Administration seems to think itself entirely innocent and exempt from all charge of Executive interference, provided only it left the convention free in action, notwithstanding it directly incited and recommended all the preliminary movements, determined upon qualifications, and all other the most important details. It did not interfere when it directly invited subversion of the existing *de facto* government!—the formation of a wholly new and different government, and the adoption of a constitution, a permanent organic law! It seems to consider, too, that, as the assent of Congress is necessary, and to be applied for previous to admission, its knowledge, assent, or approval, may be dispensed with as to all preliminary proceedings of whatever character, and however vital. There are a strange perversity and unsoundness of view in all this.

The mere invitation or recommendation of action to the people, and his subsequent connivance at all the ulterior movements, may seem to the superficial observer a very small matter. The first false step here, as in morals, entails a succession—evils perhaps not dreamt of. A very small seed apparently, it has been prolific. It has grown, and branched, and ripened, until numberless mischiefs are its fruits. The Administration has wholly transcended its simple executive functions. It has incited and aided to overthrow the *de facto* government, it was bound to maintain, and to supersede all laws it was bound to enforce. It has trenched upon and assumed high legislative powers, the exclusive functions of Congress, its coördinate department under the Constitution. What more clearly a matter of delicate legislative discretion than to determine the proper time and mode of establishing first a Territorial Government, and subsequently the more advanced state of development and maturity which would justify the erection of a Territory into a State! What a graver

* To illustrate the tendencies of this message, and the manner in which they are viewed by the Free Soil supporters of the Administration, I subjoin two extracts from the New York *Tribune*, one of the ablest as well as the most extensively circulated journals of the North. In reference to the recommendations of the message, it says:

"We are resigned to see the Wilmot proviso again and 'again rejected by Congress, provided the territories are nev-'ertheless preserved from the pollution of slavery. It is the 'substance we care for, and not the shadow. If Gen. Taylor 'throws the influence of his name and station in favor of the 'admission of the State of California *with her present Consti-'tution*, and the protection of New Mexico against the efforts 'of *Texas to subject and enslave her*, he is *practically on the 'right side*, no matter what he may feel constrained to say in 'favor of non-intervention and against the proviso. We 'shall thank him for his deeds, and let those who choose 'place emphasis on his words."

And in relation to the clause of Mr. Clayton's instructions relative to the operation of the Mexican laws, it exultingly exclaims:

"Enough said! *That is the very proposition* which the '*friends of Freedom* in Congress *would have been satisfied* 'with last winter, but which the Slavocracy and their Dick-'insons would not consent to; wherefore they would not 'let California be organized at all. It is plain, unequivocal 'law, but the Calhouns and Quitmans do not the less stoutly 'repudiate it, and insist that the Federal Constitution car-'ries slavery, or the right to introduce and maintain slavery, 'into every acre of territory acquired by the Union."

function of legislative power than to determine the people who shall form a separate political community, the portion of that people who shall enjoy the rights of citizenship, the qualifications of the elective franchise, and the circumstances under which it shall be exercised! What a more solemn occasion for the exercise of legislative deliberation than to determine on the propriety of calling a heterogeneous people to assemble in convention for a radical change of government, and the establishment of organic law that may be perpetual! Even the details for the assembling of such a body —are they not all clearly for legislative regulation? Yet the determination of all these grave matters, the assumption of all these high powers have been taken on itself by the present Administration, and are directly involved in its action.

Even more, sir. If this action of the Executive be tolerated or sustained, it involves the devesting and stripping the States of this Confederacy without their concurrence, it may be against their will, of their entire sovereignty and rights of eminent domain over this whole Territory of California. They are all transferred and vested in this new State of California, which, with enormous proportions, has sprung into vigorous existence under the dexterous accouchement of Executive skill—and this, too, while yet those very States are saddled with the necessity of paying many millions for the rights thus summarily devested.

This action of the Executive, unless annulled, not only has involved the exercise of the high legislative powers I have referred to, but likewise the abrogation of them in Congress, and its utter inability rightfully to exercise them in respect to California. Its action has been entirely anticipated and frustrated. Congress cannot exercise such powers as, in subordination to the Constitution, the principles of our institutions, and the rights of the States, it unquestionably had. It cannot propose a territorial government; it cannot prescribe boundaries, carve out new territorial communities; it cannot watch over—rear, under its supervision, infant communities into maturity—prescribe the character of their citizens, determine the period of their adequate development and preparation for the high privilege of sovereign States—nay, cannot even (except with the consent of the State of California) assert the rights of these United States to the proprietorship of the public lands therein, and make needful rules and regulations for their disposition, as directly prescribed on Congress by the Constitution.

Sir, the entire relation of California to the United States has been changed. It is no longer a Territory of the United States, but a State clothed with all sovereign attributes, and demanding admission, as an equal, into this noble confederacy of sovereignties. Under the sole tutelage of the Executive, upon his mere invitation, and by his connivance, the sovereignty of the United States has been abrogated, territorial dependence renounced, and the attitude of independence and sovereignty assumed. Is not this so? Has not California at this time a constitution and laws, an Executive, Legislature, and Judiciary—all the machinery, the powers, and the attributes of a separate sovereign State? Has she not already exercised the highest functions of a State? She has sent forward her prayer for admission as a State, and we daily expect her knock at our door. She has elected members of Congress—nay, Senators. Can a Territory elect Senators, or be admitted to this Union? The Constitution says States, States only. But, as has been justly remarked, "if the 'Constitution were silent, he would be ignorant in-'deed of the character of our political system who did 'not see that States—sovereign, independent com-'munities—and not Territories, can only be admit-'ted. Ours is a *Union* of *States*—a *Federal Repub-'lic.*" Each State comes into a noble fraternity of equal sovereignties, in every respect a coequal. She pledges to the great constitutional compact a faith which should be ever sacred. Such act implies option, and requires freedom from territorial subordination, and independence of action. A State that is free to come in is likewise at liberty to stay out. The privileges of the Union must be the inducement to admission. A State cannot be *coërced* into this Union. That would be utterly at war with the whole character of our system, and would destroy the very basis of the constitutional compact—the *assent* of the States as parties. This exactly constituted the great vantage ground of Missouri on her memorable application for admission. Under the authority, and with the assent of Congress, the people of a previously-constituted Territory had met in convention, adopted a constitution, and formed a State. If Congress refused to admit her, she would no longer be a Territory of the Union, but an independent State out of it. If Congress imposed conditions, as was at one time designed, which her people were resolved not to receive, she was free to refuse them, and to prefer independence out of the Union to entrance on such terms. Congress was constrained to elect between her total loss and separate sovereignty, and her admission on terms she would accept. Rightfully Congress could do no more. It could not remand her into a territorial condition, for it had given assent to, and authorized the formation of, a State government.

We are now prepared to appreciate the results of the unconstitutional action of the Executive, in inviting California to the formation of a State government, with a view to admission. In what a different position for legislation is Congress placed, when, instead of a territory, in confessed subordination, under a mere *de facto* government, liable to be at its pleasure remodeled or annulled, it finds a State, with all the features and attributes of sovereignty, applying for admission. It was a capital blunder, to say the least of it, in the Administration to suppose, that because admission was referred to the future assent of Congress, all the previous action which it invited and encouraged would be justified and innocuous. Congress is necessarily by it involved in the gravest embarrassment and difficulty. We of the Federal Legislature are in a strait between the admission of California, just as she is, a State, with all her great proportions, and thereby impliedly giving our assent and ratification to the gross violations of the Constitution and usurpations of power which have marked the whole action of the Executive and people there; or to annul the whole proceeding, and remand California again to her rightful position of territorial subordination. To undo a thing done is always difficult, and widely different from *permitting* it to be done. To dethrone California from its assumed sovereignty, to annul its constitution and strip all its functionaries of their high powers

to set aside the whole unconstitutional usurpation and revolutionary proceedings, and restore her to her rightful position of dependence, are very grave acts. She may refuse to submit, and there will be imminent danger of collision and defiance, resulting in war or perpetual separation. Should we even attempt to correct some of the most glaring evils of her action—such, for instance, as her extravagant pretensions to limits—by imposing conditions on her admission, we thereby recognize and treat with her as *a State*. We impliedly ratify the usurpations and unconstitutional action of the Executive, and legalize the unwarrantable revolutionary proceedings of her people. Once thus recognized, she may refuse acceptance of your conditions, withdraw her application for admission, and stand alone an independent State, the greatest on the Pacific coast. In that contingency, having given assent to her position as a State, we could not *rightfully coerce* her into the Union, or to subjection.

Embarrassing and difficult as is the position in which the unauthorized action of the Executive has placed us, our duty, Mr. Speaker, seems to me plain. *We ought at once to remand California to her rightful position of territorial dependence.* We ought to annul or greatly modify the unconstitutional and revolutionary proceedings which her people have taken under the invitation and encouragement of the Executive. As Representatives of the States of this Confederacy, we can never tolerate, without their previous consent, the divesting of the sovereignty and rights of eminent domain ceded to and vested in them. As a coördinate department of this Government, Congress should never suffer or sanction the engrossment by the Executive, and the abnegation to itself, of the high legislative functions which, in subordination to the Constitution and the rights of the States, pertained exclusively to it over this Territory of the Union. It can never endure that the delicate and all-important discretion of determining when the people of a Territory have passed a preparatory pupilage, and attained a growth and maturity befitting a sovereign State and a member of this Confederacy; who shall constitute such people and enjoy the elective franchise in the prime measure of devising and establishing their organic law; within what limits they shall act and be confined; and, in brief, of deciding all the important preliminaries to the call and assembling of a convention to form a constitution and adopt a State government,—should be assumed and exercised by the Executive alone. We are under the highest obligations to rebuke and condemn the unwarrantable dereliction of the Executive in the discharge of his executive duties; in inviting and conniving at the subversion of the existing *de facto* government he was bound to maintain, in the substitution and relinquishment to another radically different, of all its functions and powers. The highest necessity would hardly have justified such action. Such, I submit, there certainly was not. What the President himself says in relation to New Mexico at this time, would, I insist, have applied with equal force to California under its *de facto* government. He says:

"The people of this Territory (New Mexico) enjoy the benefit and protection of their municipal laws, originally derived from Mexico, and have a military force stationed there to protect them from the Indians. *It is undoubtedly true that the property, lives, liberties, and religion of the people of New Mexico, are better protected than they ever were before the treaty of cession.*"

Inconveniences, doubtless, were experienced from the imperfect nature and undefined powers of the *de facto* government; but the correction of them belonged exclusively to Congress.

What makes the action of the Executive in this matter the more extraordinary and unjustifiable is, that its invitation to and connivance at the establishment of a State government, and of the steps taken for the admission of California as a State, were directly in the teeth of the recent action of Congress. By whatever unhappy divisions influenced, it was undoubtedly true, that at the last session Congress had directly refused to authorize such measures, or to admit California as a State. A bill for the latter purpose, my colleague before me [Judge Bayly] interrupts me to say, was introduced into this House, and did not receive a single vote! Now, is it to be endured, that what Congress denies, the President shall practically grant?—when Congress determines a Territory not prepared for admission, the Executive shall decide it to be, and originate measures to induce and almost enforce such admission?

We are further bound, Mr. Speaker, to remand California, to rebuke a bad, *very bad, precedent*, and a most unwarrantable assumption both of powers and extent of limits by her people. Their proceedings have been, in my opinion, revolutionary and disorganizing, of dangerous tendency, as well as practically mischievous. I wish, sir, I had time to enter here into a full exposition of this point, for upon it, in our country, the most vague and erroneous opinions are but too prevalent. It would, however, consume my entire hour. I can only glance at it. I hold an existing government, even a *de facto* one, can only legitimately be subverted and substituted by another through the *intervention* or *on the invitation of the legislative power.* A convention of the people, to establish organic law, can only, conformably to the principles of civil government, be *summoned by law.* If otherwise, it is revolutionary and disorganizing, and may if necessary be suppressed by the strong hand. Mark, I do not say it would be morally wrong. I recognize the right of revolution, and the cause of revolutionists is often that of honor and justice. But in such action there can be no pretence of legality or regular constitutional procedure. Sir, the people of California, if oppressed, if even from the neglect of Congress to exercise its authority over them, so aggrieved and injured as to find their condition intolerable, might have been morally justified in dissolving the bonds that united them as the people of a territory to us, in subverting the existing government and setting up an independent State for itself. But that, sir, would have been revolution—an appeal to the tribunal of the world and to the God of Battles. Such was not their state, nor was such their contemplation. Yet, sir, of that character has been their action. Their convention was summoned, was regulated by no legislation. Who constituted the people to assemble, and within what limits they resided and were to exercise jurisdiction, were not ascertained or defined by law. The right of sovereignty inherent in the people, of which we hear so much, can only pertain to a previously existing, an organized or recognized political community; nor to unconnected masses, casual sojourners, to

hordes of roaming, unsettled adventurers and gold seekers.

I mean, Mr. Speaker, no disrespect or disparagement of the population of California. I have among them a few friends, to whom, in their far-off wanderings, my sympathies strongly cling, and whose qualities of heart and head command my esteem and admiration. There is, too, a proportion in that population of American citizens, trained under our institutions and prepared for freedom and self-government, and to their example and influence is doubtless to be ascribed the prevalence of good order and the very curious observance of forms and practices common under the legitimate workings of our system, in the midst of the radical illegality and essentially revolutionary proceedings which have marked the recent course of the people. But it is not to be denied that the population of California is of the most heterogeneous composition—Mexicans, Indians, Chinese, Otaheiteans, adventurers, and gold hunters from all the nations of the earth—of every language, complexion, and race. A very large proportion of them are mere sojourners, adventurers, and wayfarers, roaming over a wild, uninhabited expanse in quest of treasure with which to return to their countries and their homes. The great majority have no ties to the country, no families nor settlements, and are literally tenants by sufferance, if not trespassers on the domain of the United States. The right of such a population, without any previous recognition and organization, into a separate political community, to sovereignty, and inherent power, over and without the authority of Congress to establish a State government, can surely not be gravely maintained by any. Yet that very people, on mere Executive invitation, have assumed and practically exercised such high prerogative and have attempted to stamp fundamental, organic law on thousands of miles of waste, uninhabited country. Sir, the limits these people assume, and which now constitutes this new State of California, cover some nine degrees of latitude, running diagonally, too; embrace the whole Pacific coast of our new acquisitions, with all its valuable harbors, an extent as great as from New Brunswick to North Carolina, and include an expanse of wild, unsettled territory equal to some five or six States of our Union. And is all this to be usurped and held by some fifty or one hundred thousand people, without the previous authority of Congress or consent of the States, at the invitation and under the encouragement of the Executive alone? It is not to be tolerated, and at whatever hazards California ought to be remanded to territorial subordination.

With its performances and their results, however startling, the Administration seem well satisfied. The strangest feature of the message is the earnest recommendation to Congress to allow the Executive a similar course of action and policy in reference to all the residue of our vast acquisitions from Mexico, and to witness with acquiescence the repetition in indefinite series of such unconstitutional usurpations and encroachments on its own powers and the rights of the States. It is gravely proposed that the whole of the vast expanse of country, except California, acquired from Mexico, should be left entirely to Executive action, to be settled—the people gathered into separate communities, grown up under the tutelage of the President until they attain the growth and maturity befitting States of the Union—then at his discretion, and as often as he may deem expedient, to be invited and encouraged to assemble in conventions—to form constitutions and organic law, to fix limits, to assume all the attributes and functions of a sovereign State, ready for admission into the Union—*all without the action of Congress or the regulation of a single law.* Was there ever such a conception of statesmanship? To me it seems like the crude fantasy of a crazed brain, rather than the grave recommendation of reflection and wisdom. Sir, the proposition is as farcical as it is preposterous: a troublesome family of infant communities the President would have on his hands, to be sure!—rare brawling and quarreling, with now and then a very pretty fight, doubtless! New Mexico would be ambitious enough to cope with Texas right away; Deseret and California are already at loggerheads about limits; and as to the innumerable little communities that may be expected to spring up amid the valleys of the Rocky Mountains, and the oases of the Great Basin, they would succeed in their struggles to the tenacity and fierceness of the grizzly bears they expel. Sir, frequent and wise legislation will be absolutely requisite for the due management and settlement of these distant Territories, and you must have *volumes* of laws instead of *none*.

Besides, Mr. Speaker, how utterly inconsistent with all the wise limitations of our Constitution, and the jealous vigilance of Executive power we have been always enjoined to entertain, to allow such an accumulation of extraordinary powers in the hands of the Executive, and for such indefinite period of continuance. Sole supervisor, legislator, and executive of such vast and remote regions, in what would his position differ from that of a monarch governing by satraps or proconsuls, under the name of governors and bearers of dispatches? A more pregnant fact, a more striking illustration, to show the bitterness and intensity of the sectional issues that now distract the councils of the country, and merge all things else, could not be afforded, than the mere recommendation of such a scheme of policy in relation to the new Territories. And but for the vile anti-slavery agitation, I venture to assert, it would never for a moment receive advocacy or countenance on this floor.

Hitherto I have, Mr. Speaker, considered the action and policy of the Executive without reference in the main to this subject; but I should fail of my highest duty, if I did not expose and denounce their disastrous consequences to the rights and honor of the South. In this respect they are most of all obnoxious to me. I consider them most insidious and dangerous; that they have already inflicted great wrong, and that, carried out as recommended, they would filch from the States of the South all chance of participation in the new acquisitions, and effectually exclude all slaveholders with their property.

By that action and policy, unless repudiated, we have been already excluded from the wide expanse of California and the whole Pacific coast. All sensible men know that, in relation to California, the agitation and threat of the Wilmot proviso has been very nearly tantamount to its enforcement for our exclusion. Slaves are in the nature

of capital, which is proverbially timid, and could not be carried in while there was the impending threat and danger of compulsory abolition. The Administration, although not responsible for, knew this, and it should have operated at least to delay their action. Just when the determined stand of many of the southern States in assertion of their rights might have encouraged their citizens in reliance on their protection to venture into the territory with their slaves, the Administration thought proper to determine the matter against them by usurping the judicial function, and announcing positively that the Mexican laws regulating the relations of persons were in force and must be executed. This must have operated continued and effectual exclusion. Then at a time, when both from previous causes and the avowed interpretation of the Executive as to the operation of the Mexican laws—from the character of the existing population and the exclusion of southern men with their property—it was certain the decision of the people would be against the recognition of the domestic institutions of the South, the Executive, without constitutional authority, in the face of the direct refusal of Congress to do the same thing, invited the heterogeneous population to assemble in convention to establish its organic law. At this very time, too, the Administration or its agents knew—for it was openly urged in the California papers—that in forming their constitution, the people would be under the strongest moral suasion to exclude slavery, from the consideration that otherwise, in their intended application for admission, they would encounter the resolute hostility of the whole North. The result was of course as anticipated, and in the constitution was incorporated a clause prohibiting slavery. Surely no proper time had been allowed for the immigration of citizens from the slave-holding States—no opportunity had been afforded by legislation, for the appeal which the Constitution of the United States gives in certain cases to the Supreme Court, by which the operation and effect of the Mexican laws might have been judicially determined. Such a decision, if hereafter attainable, would, though favorable to the South, be of no possible avail *now*, that the constitution of the State prohibits slavery. All this wrought gross wrong and injustice to the southern States—the joint sovereigns of the whole Territory. Nor was it confined to a narrow space, or to the country actually settled or even roamed over; but the strange medley of all kindreds and tongues and people, constituting the limited and motley population, were allowed to stamp hundreds of miles never trodden by the foot of the white man with an organic law which forever excluded the citizens of the southern States with their slave property. All this was done at the invitation and with the encouragement of the Executive. How idle for him now to soothe us by the assurance, that after California shall have been admitted, her people cannot be prevented from changing their constitution at any time and establishing our domestic institutions! What chance, when the property of the South is not admitted, and our citizens without it are practically, as we know, excluded from settling, to establish an interest or a feeling which alone could induce such change. It would be besotted folly to expect such result.

Another result of injustice and wrong to the South from this action of the Executive, was in precluding us from our legitimate influence in Congress in determining the time when the people of the Territory should be free to elect in regard to our institutions, and from the great power we wielded, by resisting all legislation for this Territory, to compel fair participation on our part, or a righteous adjustment of the whole question. In the Senate, the South is still potent, and even in this body we are not yet powerless. By delaying the period for the formation of a State government in California, all the chances of time were secured, and at least a probability afforded that our citizens might go in with their property in such numbers as to make our interest paramount. At so early a date after the acqusition, when the original Mexican and foreign population constituted the majority of the population, this could not reasonably be expected. But the discovery of the wonderful mines and the consequent amazing enhancement of the value of labor in California, increased daily the likelihood that slaves would be needed and introduced in numbers sufficient to determine the choice of the people as to their institutions. From realizing this strong probability, we are effectually precluded by the State constitution of California.

Our power of coercing settlement, by resisting the establishment of civil government in California, is effectually cut off. That has been done in despite of us through the action of the Executive. A great means of compelling the attention of the Union to our claims is thus lost to us. A *most potent lever* for satisfactory adjustment, which at the past session of Congress moved so many to the support of Walker's amendment, has been snatched from our hands. It may be asked, have we not a similar one in the ability to refuse admission? By no means so satisfactory or effective a one, because they enjoy a civil government, and by their constitution we are just as effectually excluded previous to as after admission.

In consequence of the action of the Executive, the alleged choice of the people of California is invoked against us—a snap judgment has been taken, and now it is pleaded in bar. Our pretensions even to the whole of the vast territory of California are alleged to be debarred. In weighing considerations for equitable adjustment or division between the North and the South, it may be insisted that the vast expanse of California is *lost ground*, and no longer even a make-weight in the scale. Such has been the wrong and ouster of the South under this Executive usurpation.

In full view and with fresh experience of these disastrous results to the cause of the South, we are seriously urged, Mr. Speaker, in the message on your table, to endure unnumbered repetitions of them. The same action and course of policy are recommended to be acquiesced in, with regard to all the other immense acquisitions from Mexico. What could be more insidious and fatal to the just claims of the South? The same subtle process that, against the will of every State in the South, has practically precluded us from all participation in California, would as inevitably work our perpetual exclusion from all the other Territories. The Mexican laws are equally applicable to all the country, unsettled as well as settled, regulating the relations of persons. There is to be no Federal legislation, and no provision, consequently, even for appeals, to test before the Supreme Court the effect of those laws for the abolition of slavery.

Slaveholders and slaves are thus effectually to be kept out. By a population thus naturally hostile to our institutions, as fast as a petty nucleus of emigrants or adventurers can be obtained, constitutions are to be formed, stamping on vast circuits around the perpetual exclusion of organic law. Thus are the rights of the slaveholding States to fair participation in the vast acquisitions so largely won by their valor, and paid for by their treasure, to be by stealth and indirection forever filched away. Sir, we should be as inevitably excluded, as if under the prohibition of the most express law, or fenced off by a cordon of bristling bayonets.

To contentment under such wrongs, we of the South are to be soothed by the evasion, forsooth! of the Wilmot proviso. Why, that is but exclusion *by law;* and how differs it that we should be as inevitably excluded *without law*. This scheme of policy is worse than the Wilmot proviso. That is, indeed, sheer robbery, but it is at least open and legalized with the forms of law. This effects the same foul wrong by indirection and cheatery, adding insult to our understandings, and mockery of our hopes. We of the South, Mr. Speaker, are not struggling against a name, nor are we to be deluded by shadows. We are claiming a substance and a reality. We demand fair participation in our common acquisitions, or at least equal opportunity of enjoying them. I know some think the nature of these countries and the necessities of their clime and productions must exclude slavery. So do not I. In all new countries where labor is dear, and domestic servants particularly are not to be obtained, if law allows, the conveniences and desires of men will, in my opinion, demand slaves. In mining operations they would confessedly be most valuable; and at this very moment, did the South enjoy her rights, her whole slave property would already have felt the appreciation of a large demand for emigration to California. Be this, however, as it may, our honor and equality in this Union will not allow the degradation of express prohibition, or practical exclusion from the privilege of participation.

The grounds on which this policy of the Executive is commended to our favor, seem to me wholly untenable. The main one, as I understand it, is to allay the anti-slavery agitation and prevent sectional issues. With the present evident purpose of the North to insist on the exclusion of slavery from the Territories, it is manifest this is only to be effected with them by the conviction that their end will be as effectually attained by the policy recommended, as by the Wilmot Proviso; and that affords but scant reason for our acquiescence in it. But even at the North, it will only aggravate, not allay agitation. Were mere lust of political power the sole motive of the North in seeking our exclusion, they know but too well the effect, in the absence of an express prohibition, of its threat, to exclude. They would on that account keep legislative action always impending. To the like conclusion would tend the fanatical and mere political motives that so largely induce this pernicios agitation. Fanatics who, wiser than Christianity, conceive slavery dire sin, and demagogues who pander to popular passions for their selfish purposes, will never for years endure, even in regard to the Territories, the policy of inaction, subtle and certain as are its effects for our exclusion. If they did, it would only be to cast themselves, in the language of one of their fiery zealots, "an irresistible wave, with more violent lashings against the next salient point of slavery." At the utmost, the agitation could not be staved off beyond the next Presidential election, in which the policy to the Territories must be inevitably a leading issue, unless final adjustment be previously effected.

Rely on it, Mr. Speaker, this shirking, shuffling policy will fail of its promised end. It leaves a rankling thorn to maintain constant irritation and excitement. Instead of healing the existing wound, it keeps it open, a running sore. This matter has reached a crisis, and must be met with bold and decisive treatment. Timidity under such circumstances has been the blunder as well as wrong committed by the Administration. Evasion of the just responsibility of encountering the pernicious Free Soil doctrines, has involved it in unconstitutional usurpations, plunged it into innumerable embarrassments, and inflicted on the South foul wrong. And are these things to be cloaked under the specious plausibilities of respect for the people of the Territories and non-intervention? Respect for the rights of the people in thousands of miles of vacant territory, where in fact there are *no people*, is to justify the utter disregard of the rights of the people of half the States of this Union, the sole proprietors and sovereigns of the whole! Non-intervention with the supporters of this Administration was not wont to be advocated or defended. But let that pass. Properly understood, it could only contemplate that the citizens of all the States of the Union should be equally free to enter and settle with their property on the common territories of the Union,—slaveholders and non-slaveholders to be on precisely the same footing of equality and right, and to be equally protected by the law and policy of the government; that proper Territorial Governments being organized, reasonable periods should be allowed for such settlement, and then full and free opportunity of electing and determining their domestic institutions, should be allowed to the people of each Territory. This was to be fair and equal, and by it all might have been content to abide. But under this name of non-intervention, is it to be tolerated that there should be the most effectual intervention against the South? that while slaveholders with their property had been kept out, and an adverse decision was inevitable, the people should be invited and encouraged to establish an organic law of perpetual exclusion and stamp it on vast regions of uninhabited space, and that such process is to be repeated as often as necessary for our perpetual disfranchisement? Sir, it is gross outrage on the South. The whole policy, its recommendations and defences, should be scorned and repudiated by every slaveholding State.

I have spoken on this subject, Mr. Speaker, strongly and warmly. With my feelings, I could do no less; but, I trust, without a trace of personal bitterness towards the President. For General Taylor, as I have said, I have respect and kindness. I do not in fact hold him responsible for the action and policy developed in that message. He is, I believe, an honest, brave old soldier. His life has been passed in the field and the camp. His training has been to arms and command, not to deliberation and investigation in the chamber of council or the halls of legislation. It

is no disparagement to his character or intellect to hold him not profound in national or constitutional law. He would be more than mortal man if he were. His Cabinet have been differently raised and exercised. They have been selected for their supposed maturity of wisdom and fullness of experience on such subjects. On them General Taylor would naturally rely, and by their counsels be guided in all such matters. In justice and in truth, his Cabinet are responsible for the unconstitutional action, the usurpations and the insidious tendencies of the policy disclosed by that message. Such responsibility before this House and the country I would fix upon them. The consequences of his action and the results of his policy were surely not appreciated by the President. I much fear me, his unsuspecting honesty has been practised on—his generous confidence abused. The pretext of extending protection and encouragement to a distant community cast mainly on Executive care has been used to induce wide departure from his just line of duty, and serious encroachment on the coördinate departments of this Government. His desire to give peace to an agitated country, and to allay alarming sectional animosities, have been made subservient to a policy of insidious disfranchisement and exclusion of the people of the slaveholding States. Sir, it would be hard to have the wrong and insult of exclusion from territories so largely won by its blood and treasure, inflicted on the South by the tyranny of a northern majority. But far more grievous would it be, to have the same injury insidiously perpetrated through the instrumentality of a southern President and a slaveholder. His interests, his sentiments, the associations of his life, forbid it. I cannot, will not believe General Taylor would knowingly do such wrong to his section. Thank God, we have no traitors at the South. Her sons "are true to the last moment of breath" —true to her honor and her rights.

There are yet time and opportunity for reparation and correction of the evils inflicted on the South by the action and policy of the Administration. Heaven grant that General Taylor's mind may be enlightened to their scope and effects! Humble as I am, would that I could reach him in an appeal as thrilling as my feelings would dictate! His native State, that mother of heroes and statesmen, who is proud to hold him among the first of her living sons, with the claim of parentage and nurture, should call on him to forbear. That gallant State, which reared him in boyhood and youth, and sent him forth in early manhood to his career of arms and glory, should appeal to him not to trample on the rights of her sons. In the name of Louisiana, the abode of his mature years, by all the affections of home and hearthstone, by all the associations and interests of neighbors and friends, I would conjure the renunciation of a policy that at no distant day must realize to her the horrors and the destinies of St. Domingo. I would bear back his memory to the trials and the triumphs he has shared with the gallant sons of the South, his fellow-soldiers and compatriots in the conflicts which so largely won these very acquisitions, from which they and theirs are to be excluded. In the bloody trenches of Monterey, in the midst of the din and smoke of battle, again should he see the valiant soldiers of the South rush on to the cannon's mouth, and mount "the imminent deadly breach," with their mangled bodies piling high the pedestal of his fame. And on that memorable field of Buena Vista, at that most critical juncture, when all seemed lost save honor, again should his heart bound with hope as he hailed the approach of the noble regiment of Mississippians, and beheld them steady, undismayed, (through the very midst of the brave but unfortunate troops of the North, then, through a mistaken order, discomfited and in rout,) with souls untouched by panic, and nerved to do or die, march onward—right onward on the countless foe, and with invincible prowess snatch from the very jaws of death rescue and victory.* By such proud memories—by the fame they have won, and the meed of gratitude and honor they conferred, I would invoke him to cast now the weight of his deserved influence and high position on the side of the South, in the scale of right and justice. Let him openly rebuke the mad fanaticism and grasping lust of power in the North. Let him, as when marching to the relief of his comrades at Fort Brown, determine, let foes come in what numbers they may, to encounter them, and march onward to the rescue of the South and her threatened institutions. He will find peace has its victories, not less glorious than those of war. Let him scatter for ever this cloud of fanatics, Abolitionists, and Free Soilers, and, so far as his action may, give defence and security to an endangered country. By such course he may achieve final adjustment of the sectional agitation now rocking the Union to its centre, and illustrate his administration with a glory that through the vista of time will be surpassed only by that of Washington.

*At this point the hammer fell. A few sentences have been added to give partial completeness to the view.

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CALIFORNIA, UNION, AND FREEDOM.

SPEECH OF WILLIAM H. SEWARD,

ON THE

ADMISSION OF CALIFORNIA.

Delivered in the Senate of the United States, March 11, 1850.

Four years ago, California, a Mexican Province, scarcely inhabited and quite unexplored, was unknown even to our usually immoderate desires, except by a harbor, capacious and tranquil, which only statesmen then foresaw would be useful in the oriental commerce of a far distant, if not merely chimerical, future.

A year ago, California was a mere military dependency of our own, and we were celebrating with unanimity and enthusiasm its acquisition, with its newly-discovered but yet untold and untouched mineral wealth, as the most auspicious of many and unparalleled achievements.

To-day, California is a State, more populous than the least and richer than several of the greatest of our thirty States. This same California, thus rich and populous, is here asking admission into the Union, and finds us debating the dissolution of the Union itself.

No wonder if we are perplexed with ever-changing embarrassments! No wonder if we are appalled by ever-increasing responsibilities! No wonder if we are bewildered by the ever-augmenting magnitude and rapidity of national vicissitudes!

SHALL CALIFORNIA BE RECEIVED? For myself, upon my individual judgment and conscience, I answer, Yes. For myself, as an instructed representative of one of the States, of that one even of the States which is soonest and longest to be pressed in commercial and political rivalry by the new Commonwealth, I answer, Yes. Let California come in. Every new State, whether she come from the East or from the West, every new State, coming from whatever part of the continent she may, is always welcome. But California, that comes from the clime where the west dies away into the rising east; California, which bounds at once the empire and the continent; California, the youthful queen of the Pacific, in her robes of freedom, gorgeously inlaid with gold—is doubly welcome.

And now I inquire, first, *Why should California be rejected?* All the objections are founded only in the circumstances of her coming, and in the organic law which she presents for our confirmation.

1st. California comes UNCEREMONIOUSLY, without a *preliminary* consent of Congress, and therefore by usurpation. This allegation, I think, is not quite true; at least not quite true in spirit. California is not here of her own pure volition. We tore California violently from her place in the Confederation of Mexican States, and stipulated by the treaty of Guadalupe Hidalgo, that the territory should be admitted by States into the American Union as speedily as possible.

But the letter of the objection still holds. California does come without a preliminary consent by Congress to form a Constitution. But Michigan and other States presented themselves in the same unauthorized way, and Congress *waived the irregularity*, and sanctioned the usurpation. California pleads these precedents. Is not the plea sufficient?

But it has been said by the honorable Senator from South Carolina, [Mr. CALHOUN,] that the Ordinance of 1787 secured to Michigan the right to become a State, when she should have sixty thousand inhabitants. Owing to some neglect, Congress delayed taking the census. And this is said in palliation of the irregularity of Michigan. But California, as has been seen, had a treaty, and Congress, instead of giving previous consent, and instead of giving her the customary Territorial Government, as they did to Michigan, failed to do either, and thus practically refused both, and so abandoned the new community, under most unpropitious circumstances, to anarchy. California then made a Constitution for herself, but not unnecessarily and presumptuously, as Michigan did. She made a Constitution for herself, and she comes here under the law, the paramount law of self-preservation.

In that she stands justified. Indeed, California is more than justified. She was a *colony*, a *military* colony. All colonies, especially military colonies, are incongruous with our political system, and they are equally open to corruption and exposed to oppression. They are, therefore, not more unfortunate in their own proper condition than fruitful of dangers to the parent Democracy. California, then, acted wisely and well in establishing self-government. She deserves not rebuke, but praise and approbation. Nor does this objection come with a good grace from those who offer it. If California were now content to receive only a Territorial charter, we could not agree to grant it without an inhibition of slavery, which, in that case, being a Federal act, would render the attitude of California, as a Territory, even more offensive to those who now repel her than she is as a State, with the same inhibition in the Constitution of her own voluntary choice.

A second objection is, *California has assigned her own boundaries without the previous authority of Congress.* But she was left to organize herself without any boundaries fixed by previous law or by prescription. She was obliged, therefore, to assume boundaries, since without boundaries she must have remained unorganized.

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A third objection is, that California is too large.

I answer, first, there is no common standard of States. California, although greater than many, is less than one of the States.

Secondly. California, if too large, may be divided with her own consent, which is all the security we have for reducing the magnitude and averting the preponderance of Texas.

Thirdly. The boundaries of California seem not at all *unnatural*. The territory circumscribed is altogether contiguous and compact.

Fourthly. The boundaries are convenient. They embrace only inhabited portions of the country, commercially connected with the port of San Francisco. No one has pretended to offer boundaries more in harmony with the physical outlines of the region concerned, or more convenient for civil administration.

But to draw closer to the question, what shall be the boundaries of a new State concerns—

First. The State herself, and California of course is content.

Secondly. Adjacent communities. Oregon does not complain of encroachment, and there is no other adjacent community to complain.

Thirdly. The other States of the Union. The larger the Pacific States, the smaller will be their relative power in the Senate. All the States now here are Atlantic States and inland States, and surely they may well indulge California in the largest liberty of boundaries.

The fourth objection to the admission of California is, that no census had been taken, and no laws prescribing the qualifications of suffrage and the apportionment of Representatives in Convention, existed before her Convention was held.

I answer, California was left to act *ab initio*. She must begin somewhere, without a census, and without such laws. The Pilgrim Fathers began in the same way on board the Mayflower; and, since it has been objected that some of the electors in California may have been aliens, I add, that all of the Pilgrim Fathers were aliens and strangers to the Commonwealth of Plymouth.

Again, the objection may well be *waived*, if the Constitution of California is satisfactory, first to herself, secondly to the United States.

First. Not a murmur of discontent has followed California to this place.

Second. As to ourselves, we confine our inquiries about the constitution of a new State to four things—

1st. The *boundaries* assumed; and I have considered that point in this case already.

2d. That the domain within the State is secured to us. And it is admitted that this has been properly done.

3d. That the Constitution shall be republican, and not aristocratic or monarchical. In this case the only objection is that the Constitution, inasmuch as it inhibits slavery, is altogether too republican.

4th. That the representation claimed shall be just and equal. No one denies that the population of California, is sufficient to demand two representatives on the federal basis; and, secondly, a new census is at hand, and the error, if there is one, will be immediately corrected.

The fifth objection is—California comes under Executive influence. 1st. In her coming as a free State. 2d. In her coming at all.

The first charge rests on suspicion only, is peremptorily denied, and the denial is not controverted by proofs. I dismiss it altogether.

The second is true, to the extent that the present President advised the people of California, that, having been left without any civil government, under the military supervision of the Executive, without any authority of law whatever, the adoption of a Constitution, subject to the approval of Congress, would be regarded favorably by the President. Only a year ago, it was complained that the exercise of the military power to maintain law and order in California, was a fearful innovation. But now the wind has changed, and blows even stronger from the opposite quarter.

May this Republic never have a President commit a more serious or more dangerous usurpation of power than the act of the present eminent Chief Magistrate, in endeavoring to induce legislative authority to relieve him from the exercise of military power, by establishing civil institutions regulated by law in distant provinces! Rome would have been standing this day, if she had had such generals and such tribunes.

3d. But the objection, whether true in part, or even in the whole, is immaterial. The question is, not what moved California to impress any particular feature on her Constitution, nor even what induced her to adopt a Constitution at all; but it is whether, since she has adopted a Constitution, she shall be admitted into the Union.

I have now reviewed all the objections raised against the admission of California. It is seen that they have no foundation in the law of nature and of nations. Nor are they founded in the Constitution, for the Constitution prescribes no form or manner of proceeding in the admission of new States, but leaves the whole to the discretion of Congress. "Congress may admit new States." The objections are all merely formal and technical. They rest on precedents which have not always, nor even generally, been observed. But it is said that we ought now to establish a safe precedent for the future.

I answer 1st. It is too late to seize this occasion for that purpose. The irregularities complained of being unavoidable, the caution should have been exercised when, 1st, Texas was annexed; 2d, when we waged war against Mexico; or, 3d, when we ratified the treaty of Guadalupe Hidalgo.

I answer 2d. We may establish precedents at pleasure. Our successors will exercise *their* pleasure about following them, just as we have done in such cases.

I answer 3d. States, nations, and empires, are apt to be peculiarly capricious, not only as to the *time*, but even as to the *manner* of their being born, and as to their subsequent political changes. They are not accustomed to conform to precedents. California sprang from the head of the nation, not only complete in proportions and full armed, but ripe for affiliation with its members.

I proceed now to state my reasons for the opinion that California OUGHT TO BE ADMITTED. The population of the United States consists of natives of Caucasian origin, and exotics of the same derivation. The native mass rapidly assimilates to itself and absorbs the exotic, and thus these constitute one homogeneous people. The African race, bond and free, and the aborigines, savage and civilized, being incapable of such assimilation and absorption, remain distinct, and, owing to their peculiar condition, they constitute inferior masses, and may be regarded as accidental if not disturbing political forces. The ruling homogeneous family planted at first on the Atlantic shore, and following an obvious law, is seen continually and rapidly spreading itself westward year by year, subduing the wilderness and the prairie, and thus extending this great political community, which, as fast as it advances, breaks into distinct States for municipal purposes only, while the whole constitutes one entire contiguous and compact nation.

Well established calculations in political arithmetic enable us to say that the aggregate population of the nation now is - - - 22,000,000

That 10 years hence it will be			-	30,000 000
" 20	do	do	-	38,000,000
" 30	do	do	-	50,000,000
" 40	do	do	-	64,000,000
" 50	do	do	-	80,000.000
" 100, that is, in the year 1950			-	200,000,000

equal nearly to one-fourth of the present aggregate population of the globe, and double the population of Europe at the time of the discovery of America.

But the advance of population on the Pacific will far exceed what has heretofore occurred on the Atlantic coast, while emigration even here is outstripping the calculations on which the estimates are based. There are silver and gold in the mountains and ravines of California. The granite of New England and New York is barren.

Allowing due consideration to the increasing density of our population, we are safe in assuming, that long before this mass shall have attained the maximum of numbers indicated, the entire width of our possessions from the Atlantic to the Pacific ocean will be covered by it, and be brought into social maturity and complete political organization.

The question now arises, Shall this one great people, having a common origin, a common language, a common religion, common sentiments, interests, sympathies, and hopes, remain one political State, one nation, one republic, or shall it be broken into two conflicting and probably hostile nations or republics? There cannot ultimately be more than two. For the habit of association is already formed, as the interests of mutual intercourse arebeing formed. It is already ascertained where the centre of political power must rest. It must rest in the agricultural interests and masses, who will occupy the interior of the continent. These masses, if they cannot all command access to both oceans, will not be obstructed in their approaches to that one, which offers the greatest facilities to their commerce.

Shall the American people, then, be divided? Before deciding on this question, let us consider our position, our power, and capabilities.

The world contains no seat of empire so magnificent as this; which, while it embraces all the varying climates of the temperate zone, and is traversed by wide-expanding lakes and long-branching rivers, offers supplies on the Atlantic shores to the overcrowded nations of Europe, while on the Pacific coast it intercepts the commerce of the Indies. The nation thus situated, and enjoying forest, mineral, and agricultural resources unequalled, if endowed also with moral energies adequate to the achievement of great enterprises, and favored with a Government adapted to their character and condition, must command the empire of the seas, which alone is real empire.

We think, that we may claim to have inherited physical and intellectual vigor, courage, invention, and enterprise; and the systems of education prevailing among us open to all the stores of human science and art.

The old world and the past were allotted by Providence to the pupilage of mankind, under the hard discipline of arbitrary power, quelling the violence of human passions. The new world and the future seem to have been appointed for the maturity of mankind, with the development of self-government operating in obedience to reason and judgment.

We have thoroughly tried our novel system of Democratic Federal Government, with its complex, yet harmonious and effective combination of distinct local elective agencies, for the conduct of domestic affairs, and its common central elective agencies, for the regulation of internal interests and of intercourse with foreign nations; and we know, that it is a system equally cohesive in its parts, and capable of all desirable expansion; and that it is a system, moreover, perfectly adapted to secure domestic tranquillity, while it brings into activity all the elements of national aggrandizement. The Atlantic States, through their commercial, social, and political affinities and sympathies, are steadily renovating the Governments and the social constitutions of Europe and of Africa. The Pacific States must necessarily perform the same sublime and beneficent functions in Asia. If, then, the American people shall remain an undivided nation, the ripening civilization of the West, after a separation growing wider and wider for four thousand years, will, in its circuit of the world, meet again and mingle with the declining civilization of the East on our own free soil, and a new and more perfect civilization will arise to bless the earth, under the sway of our own cherished and beneficent democratic institutions.

We may then reasonably hope for greatness, felicity, and renown, excelling any hitherto attained by any nation, if, standing firmly on the continent, we loose not our grasp on the shore of either ocean. Whether a destiny so magnificent would be only partially defeated, or whether it would be altogether lost by a relaxation of that grasp, surpasses our wisdom to determine, and happily it is not important to be determined. It is enough, if we agree that expectations so grand, yet so reasonable and so just, ought not to be in any degree disappointed.

And now it seems to me, that the perpetual unity of our empire hangs on the decision of this day and of this hour.

California is already a State, a complete and fully appointed State. She never again can be less than that. She can never again be a province or a colony; nor can she be made to shrink and shrivel into the proportions of a federal dependent Terrritory. California, then, henceforth and forever, must be, what she is now, a State.

The question whether she shall be one of the United States of America *has* depended on her and on us. Her election has been made. Our consent alone remains suspended; and that consent must be pronounced now or never. I say *now* or *never*. Nothing prevents it now, but want of agreement among ourselves. Our harmony cannot increase while this question remains open. We shall never agree to admit California, unless we agree now. Nor will California abide delay. I do not say that she contemplates independence; but, if she does not, it is because she does not anticipate rejection. Do you say that she can have no motive? Consider, then, her attitude if rejected. She needs a constitution, a legislature, and magistrates; she needs titles to that golden domain of ours within her borders; good titles, too; and you must give them on your own terms, or she must take them without your leave. She needs a mint, a custom-house, wharves, hospitals, and institutions of learning; she needs fortifications, and roads, and railroads; she needs the protection of an army and a navy; either your stars and stripes must wave over her ports and her fleets, or she must raise aloft a standard for herself; she needs, at least, to know whether you are friends or enemies; and, finally, she needs what no American community can live without, sovereignty and independence—either a just and equal share of yours, or sovereignty and independence of her own.

Will you say that California could not aggrandize herself by separation? Would it, then, be a mean ambition to set up within fifty years, on the Pacific coast, monuments like those which we think two hundred years have been well spent in establishing on the Atlantic coast?

Will you say that California has no ability to become independent? She has the same moral ability for enterprise that inheres in us, and that ability implies command of all physical means. She has

advantages of position. She is practically further removed from you than England. You cannot reach her by railroad, nor by unbroken steam navigation. You can send no armies over the prairie, the mountain, and the desert, nor across the remote and narrow Isthmus within a foreign jurisdiction, nor around the Cape of Storms. You may send a navy there, but she has only to open her mines, and she can seduce your navies and appropriate your floating bulwarks to her own defence. Let her only seize your domain within her borders, and your commerce in her ports, and she will have at once revenues and credit adequate to all her necessities. Besides, are we so moderate, and has the world become so just, that we have no rivals and no enemies to lend their sympathies and aid to compass the dismemberment of our empire?

Try not the temper and fidelity of California—at least not now, not yet. Cherish her and indulge her until you have extended your settlements to her borders, and bound her fast by railroads, and canals, and telegraphs, to your interests—until her affinities of intercourse are established, and habits of loyalty are fixed—and then she can never be disengaged.

California would not go alone. Oregon, so intimately allied to her, and as yet so loosely attached to us, would go also; and then at least the entire Pacific coast, with the western declivity of the Sierra Nevada, would be lost. It would not depend at all upon us, nor even on the mere forbearance of California, how far eastward the long line across the temperate zone should be drawn, which should separate the Republic of the Pacific from the Republic of the Atlantic. Terminus has passed away with all the deities of the ancient Pantheon, but his sceptre remains. Commerce is the god of boundaries, and no man now living can foretell his ultimate decree.

But it is insisted that the admission of California shall be attended by a COMPROMISE of questions which have arisen out of SLAVERY!

I AM OPPOSED TO ANY SUCH COMPROMISE, IN ANY AND ALL THE FORMS IN WHICH IT HAS BEEN PROPOSED. Because, while admitting the purity and the patriotism of all from whom it is my misfortune to differ, I think all legislative compromises radically wrong and essentially vicious. They involve the surrender of the exercise of judgment and conscience on distinct and separate questions, at distinct and separate times, with the indispensable advantages it affords for ascertaining truth. They involve a relinquishment of the right to reconsider in future the decisions of the present, on questions prematurely anticipated. And they are a usurpation as to future questions of the province of future legislators.

Sir, it seems to me, as if slavery had laid its paralyzing hand upon myself, and the blood were coursing less freely than its wont through my veins, when I endeavor to suppose that such a compromise has been effected, and my utterance forever is arrested upon all the great questions, social, moral, and political, arising out of a subject so important, and as yet so incomprehensible. What am I to receive in this compromise? Freedom in California. It is well; it is a noble acquisition; it is worth a sacrifice. But what am I to give as an equivalent? A recognition of the claim to perpetuate slavery in the District of Columbia; forbearance towards more stringent laws concerning the arrest of persons suspected of being slaves found in the free States; forbearance from the *Proviso* of freedom in the charters of new Territories. None of the plans of compromise offered demand less than two, and most of them insist on all of these conditions. The equivalent then is, some portion of liberty, some portion of human rights in one region for liberty in another region. But California brings gold and commerce as well as freedom. I am, then, to surrender some portion of human freedom in the District of Columbia, and in East California and New Mexico, for the mixed consideration of liberty, gold, and power, on the Pacific coast.

This view of legislative compromises is not *new*. It has widely prevailed, and many of the State Constitutions interdict the introduction of more than one subject into one bill submitted for legislative action.

It was of such compromises that Burke said, in one of the loftiest bursts of even his majestic parliamentary eloquence:

"Far, far from the Commons of Great Britain be all manner of real vice; but ten thousand times farther from them, as far as from pole to pole, be the whole tribe of spurious, affected, counterfeit, and hypocritical virtues! These are the things which are ten thousand times more at war with real virtue; these are the things which are ten thousand times more at war with real duty, than any vice known by its name and distinguished by its proper character.

"Far, far from us be that false and affected candor that is eternally in treaty with crime—that half virtue, which, like the ambiguous animal that flies about in the twilight of a compromise between day and night, is, to a just man's eye, an odious and disgusting thing. There is no middle point, my Lords, in which the Commons of Great Britain can meet tyranny and oppression."

But, sir, if I could overcome my repugnance to compromises in general, I should object to this one, on the ground of the *inequality* and *incongruity* of the interests to be compromised. Why, sir, according to the views I have submitted, California ought to come in, and must come in, whether slavery stands or falls in the District of Columbia; whether slavery stands or falls in New Mexico and Eastern California; and even whether slavery stands or falls in the slave States. California ought to come in, being a free State; and, under the circumstances of her conquest, her compact, her abandonment, her justifiable and necessary establishment of a Constitution, and the inevitable dismemberment of the empire consequent upon her rejection, I should have voted for her admission even if she had come as a slave State. California ought to come in, and must come in at all events. It is, then, an independent, a paramount question. What, then, are these questions arising out of slavery, thus interposed, but collateral questions? They are unnecessary and incongruous, and therefore false issues, not introduced designedly, indeed, to defeat that great policy, yet unavoidably tending to that end.

Mr. FOOTE. Will the honorable Senator allow me to ask him, if the Senate is to understand him as saying that he would vote for the admission of California if she came here seeking admission as a slave State.

Mr. SEWARD. I reply, as I said before, that even if California had come as a slave State, yet coming under the extraordinary circumstances I have described, and in view of the consequences of a dismemberment of the empire, consequent upon her rejection, I should have voted for her admission, even though she had come as a slave State. But I should not have voted for her admission otherwise.

I remark in the next place, that consent on my part would be disingenuous and fraudulent, because the compromise would be unavailing.

It is now avowed by the honorable Senator from South Carolina, [Mr. CALHOUN,] that nothing will satisfy the slave States but a compromise that will convince them that they can remain in the Union consistently with their honor and their safety. And what are the concessions which will have that effect? Here they are, in the words of that Senator:

"The North must do justice by conceding to the South an equal right in the acquired territory, and do her duty

by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—cease the agitation of the slave question, and provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South in substance the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government."

These terms amount to this, that the free States having already, or although they may hereafter have, majorities of States, majorities of population, and majorities in both Houses of Congress, shall concede to the slave States, being in a minority in both, the unequal advantage of an equality. That is, that we shall alter the Constitution so as to convert the Government from a national democracy, operating by a constitutional majority of voices, into a federal alliance, in which the minority shall have a veto against the majority. And this is to return to the original articles of confederation.

I will not stop to protest against the injustice or the inexpediency of an innovation which, if it was practicable, would be so entirely subversive of the principle of democratic institutions. It is enough to say that it is totally impracticable. The free States, Northern and Western, acquiesced in the long and nearly unbroken ascendancy of the slave States under the Constitution, because the result happened under the Constitution. But they have honor and interests to preserve, and there is nothing in the nature of mankind or in the character of that people to induce an expectation that they, loyal as they are, are insensible to the duty of defending them. But the scheme would still be impracticable, even if this difficulty were overcome. What is proposed is a *political* equilibrium. Every political equilibrium requires a physical equilibrium to rest upon, and is valueless without it. To constitute a physical equilibrium between the slave States and the free States, requires first, an equality of territory, or some near approximation. And this is already lost. But it requires much more than this. It requires an equality or a proximate equality in the number of slaves and freemen. And this must be perpetual.

But the census of 1840 gives a slave basis of only 2,500,000, and a free basis of 14,500,000. And the population on the slave basis increases in the ratio of 25 per cent. for ten years, while that on the free basis advances at the rate of 38 per cent. The accelerating movement of the free population, now complained of, will occupy the new Territories with pioneers, and every day increases the difficulty of forcing or insinuating slavery into regions which freemen have pre-occupied. And if this were possible, the African slave trade is prohibited, and the domestic increase is not sufficient to supply the new slave States which are expected to maintain the equilibrium. The theory of a new political equilibrium claims that it once existed, and has been lost. When lost, and how? It began to be lost in 1787, when preliminary arrangements were made to admit five new free States in the Northwest Territory, two years before the Constitution was finally adopted; that is, it began to be lost two years before it began to exist!

Sir, the equilibrium, if restored, would be lost again, and lost more rapidly than it was before. The progress of the free population is to be accelerated by increased emigration from Europe and Asia, while that of the slaves is to be checked and retarded by inevitable partial emancipation. "Nothing," says Montesquieu, "reduces a man so low as always to see freemen, and yet not be free. Persons in that condition are natural enemies of the State, and their numbers would be dangerous if increased too high." Sir, the fugitive slave colonies and the emancipated slave colonies in the free States, in Canada, and in Liberia, are the best guaranties South Carolina has for the perpetuity of slavery.

Nor would success attend any of the details of the compromise. And, first, I advert to the proposed alteration of the law concerning fugitives from service or labor. I shall speak on this as on all subjects, with due respect, but yet frankly and without reservation. The Constitution contains only a compact, which rests for its execution on the States. Not content with this, the slave States induced legislation by Congress; and the Supreme Court of the United States have virtually decided that the whole subject is within the province of Congress; and exclusive of State authority. Nay, they have decided that slaves are to be regarded not merely as persons to be claimed, but as property and chattels, to be seized without any legal authority or claim whatever. The compact is thus subverted by the procurement of the slave States. With what reason, then, can they expect the States *ex gratia* to reassume the obligations from which they caused those States to be discharged? I say, then, to the slave States, you are entitled to no more stringent laws; and that such laws would be useless. The cause of the inefficiency of the present statute is not at all the leniency of its provisions. It is a law that deprives the alleged refugee from a legal obligation not assumed by him, but imposed upon him by laws enacted before he was born, of the writ of *habeas corpus*, and of any certain judicial process of examination of the claim set up by his pursuer, and finally degrades him into a chattel which may be seized and carried away peaceably wherever found, even although exercising the rights and responsibilities of a free citizen of the Commonwealth in which he resides, and of the United States—a law which denies to the citizen all the safeguards of personal liberty, to render less frequent the escape of the bondman. And since complaints are so freely made against the one side, I shall not hesitate to declare that there have been even greater faults on the other side. Relying on the perversion of the Constitution which makes slaves mere chattels, the slave States have applied to them the principles of the criminal law, and have held that he who aided the escape of his fellow-man from bondage was guilty of a larceny in stealing him. I speak of what I know. Two instances came within my own knowledge, in which Governors of slave States, under the provision of the Constitution relating to fugitives from justice, demanded from the Governor of a free State the surrender of persons as thieves whose alleged offences consisted in constructive larceny of the rags that covered the persons of female slaves, whose attempt at escape they permitted or assisted.

We deem the principle of the law for the recapture of fugitives, therefore, unjust, unconstitutional, and immoral; and thus while patriotism withholds its approbation, the consciences of our people condemn it.

You will say that these convictions of ours are disloyal. Grant it for the sake of argument. They are, nevertheless, honest; and the law is to be executed among us, not among you; not by us, but by the Federal authority. Has any Government ever succeeded in changing the moral convictions of its subjects by force? But these convictions imply no disloyalty. We reverence the Constitution, although we perceive this defect, just as we acknowledge the splendor and the power of the sun, although its surface is tarnished with here and there an opaque spot.

Your Constitution and laws convert hospitality to the refugee from the most degrading oppression on earth into a crime, but all mankind except you esteem that hospitality a virtue. The right of extradition of a fugitive from justice is not admitted by the law of nature and of nations, but rests in voluntary compacts. I know of only two compacts

found in diplomatic history that admitted EXTRADITION OF SLAVES. Here is one of them. It is found in a treaty of peace made between Alexander Comnenus and Leontine, Greek Emperors at Constantinople, and Oleg, King of Russia, in the year 902, and is in these words:

"If a Russian slave take flight, or even if he is carried away by any one under pretence of having been bought, his master shall have the right and power to pursue him, and hunt for and capture him wherever he shall be found; and any person who shall oppose the master in the execution of this right shall be deemed guilty of violating this treaty, and be punished accordingly."

This was in the year of Grace 902, in the period called the "Dark Ages," and the contracting Powers were despotisms. And here is the other:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor is due."

This is from the Constitution of the United States in 1787, and the parties were the republican States of this Union. The law of nations disavows such compacts; the law of nature, written on the hearts and consciences of freemen, repudiates them. Armed power could not enforce them, because there is no public conscience to sustain them. I know that there are laws of various sorts which regulate the conduct of men. There are constitutions and statutes, codes mercantile and codes civil; but when we are legislating for States, especially when we are founding States, all these laws must be brought to the standard of the laws of God, and must be tried by that standard, and must stand or fall by it. This principle was happily explained by one of the most distinguished political philosophers of England in these emphatic words:

"There is but one law for all, namely, that law which governs all law, the law of our Creator, the law of humanity, justice, equity, the law of nature and of nations. So far as any laws fortify this primeval law, and give it more precision, more energy, more effect, by their declarations, such laws enter into the sanctuary and participate in the sacredness of its character; but the man who quotes as precedents the abuses of tyrants and robbers, pollutes the very fountains of justice, destroys the foundations of all law, and therefore removes the only safeguard against evil men, whether governors or governed; the guard which prevents governors from becoming tyrants, and the governed from becoming rebels."

There was deep philosophy in the confession of an eminent English judge. When he had condemned a young woman to death, under the late sanguinary code of his country, for her first petty theft, she fell down dead at his feet: "I seem to myself, said he, to have been pronouncing sentence, not against the prisoner, but against the law itself."

To conclude on this point. We are not slaveholders. We cannot, in our judgment, be either true Christians or real freemen, if we impose on another a chain that we defy all human power to fasten on ourselves You believe and think otherwise, and doubtlessly with equal sincerity. We judge you not, and He alone who ordained the conscience of man and its laws of action can judge us. Do we, then, in this conflict, demand of you an unreasonable thing in asking that, since you will have property that can and will exercise human powers to effect its escape, you shall be your own police, and in acting among us as such you shall conform to principles indispensable to the security of admitted rights of freemen? If you will have this law executed, you must alleviate, not increase, its rigors.

Another feature in most of these plans of compromise is a bill of peace for slavery in the District of Columbia; and this bill of peace we cannot grant. We of the free States are, equally with you of the slave States, responsible for the existence of slavery in this District, the field exclusively of our common legislation. I regret that, as yet, I see little reason to hope that a majority in favor of emancipation exists here. The Legislature of New York, from whom, with great deference, I dissent, seems willing to accept now the extinction of the slave trade, and waive emancipation. But we shall assume the whole responsibility if we stipulate not to exercise the power hereafter when a majority shall be obtained. Nor will the plea with which you would furnish us be of any avail. If I could understand so mysterious a paradox myself, I never should be able to explain to the apprehension of the people whom I represent how it was that an absolute and express power to legislate in all cases over the District of Columbia was embarrassed and defeated by an implied condition not to legislate for the abolition of slavery in this District. Sir, I shall vote for that measure, and am willing to appropriate any means necessary to carry it into execution. And, if I shall be asked what I did to embellish the capital of my country, I will point to her freedmen, and say, these are the monuments of my munificence!

If I was willing to advance a cause that I deem sacred by disingenuous means, I would advise you to adopt those means of compromise which I have thus examined. The echo is not quicker in its response than would be that loud and universal cry of repeal, that would not die away until the habeas corpus was secured to the alleged fugitive from bondage, and the symmetry of the free institutions of the capital was perfected.

I apply the same observations to the proposition for a waiver of the Proviso of Freedom in Territorial charters. Thus far you have only direct popular action in favor of that Ordinance, and there seems even to be a partial disposition to await the action of the people of the new Territories, as we have compulsorily waited for it in California. But I must tell you, nevertheless, in candor and in plainness, that the spirit of the people of the free States is set upon a spring that rises with the pressure put upon it. That spring, if pressed too hard, will give a recoil that will not leave here one servant who knew his master's will, and did it not.

You will say that this implies violence. Not at all. It implies only peaceful, lawful, constitutional, customary action. I cannot too strongly express my surprise that those who insist that the people of the slave States cannot be held back from remedies outside of the Constitution, should so far misunderstand us of the free States as to suppose we would not exercise our constitutional rights to sustain the policy which we deem just and beneficent.

I come now to notice the suggested *compromise of the boundary between Texas and New Mexico.* This is a judicial question in its nature, or at least a question of legal right and title. If it is to be compromised at all, it is due to the two parties, and to national dignity as well as to justice, that it be kept separate from compromises proceeding on the ground of expediency, and be settled by itself alone.

I take this occasion to say, that while I do not intend to discuss the questions alluded to in this connection by the honorable and distinguished Senator from Massachusetts, I am not able to agree with him in regard to the alleged obligation of Congress to admit four new slave States, to be formed in the State of Texas. There are several questions arising out of that subject, upon which I am not prepared to decide now, and which I desire to reserve for future consideration. One of these is, whether the Article of Annexation does really deprive Congress of the right to exercise its choice in regard to the subdivision of Texas into four additional States. It seems to me by no means so plain a question as the Senator from Massachusetts assumed, and that it must be left to

remain an open question, as it is a great question, whether Congress is not a party whose future consent is necessary to the formation of new States out of Texas.

Mr. WEBSTER. Supposing Congress to have the authority to fix the number, and time of election, and apportionment of representatives, &c., the question is, whether, if new States are formed out of Texas, to come into this Union, there is not a solemn pledge by law that they have a right to come in as slave States?

Mr. SEWARD. When the States are once formed, they have the right to come in as free or slave States, according to their own choice; but what I insist is, that they cannot be formed at all without the consent of Congress, to be hereafter given, which consent Congress is not obliged to give. But I pass that question for the present, and proceed to say that I am not prepared to admit that the Article of the Annexation of Texas is itself constitutional. I find no authority in the Constitution of the United States for the annexation of foreign countries by a resolution of Congress, and no power adequate to that purpose but the treaty-making power of the President and the Senate. Entertaining this view, I must insist that the coustitutionality of the annexation of Texas herself shall be cleared up before I can agree to the admission of any new States to be formed within Texas.

Mr. FOOTE. Did not I hear the Senator observe that he would admit California, whether slavery was or was not precluded from these Territories?

Mr. SEWARD. I said I would have voted for the admission of California even as a slave State, under the extraordinary circumstances which I have before distinctly described. I say that now; but I say also, that before I would agree to admit any more States from Texas, the circumstances which render such act necessary must be shown, and must be such as to determine my obligation to do so; and that is precisely what I insist cannot be settled now. It must be left for those to whom the responsibility will belong.

Mr. President, I understand, and I am happy in understanding, that I agree with the honorable Senator from Massachusetts, that there is no obligation upon Congress to admit four new slave States out of Texas, but that Congress has reserved her right to say whether those States shall be formed and admitted or not. I shall rely on that reservation. I shall vote to admit no more slave States, unless under circumstances absolutely compulsory.

Mr. WEBSTER. What I said was, that if the States hereafter to be made out of Texas choose to come in as slave States, they have a right so to do.

Mr. SEWARD. My position is, that they have not a right to come in at all, if Congress rejects their institutions. The subdivision of Texas is a matter optional with both parties, Texas and the United States.

Mr. WEBSTER. Does the honorable Senator mean to say that Congress can hereafter decide whether they shall be slave or free States?

Mr. SEWARD. I mean to say that Congress can hereafter decide whether any States, slave or free, can be framed out of Texas. If they should never be framed out of Texas, they never could be admitted.

Another objection arises out of the principle on which the demand for compromise rests. That principle assumes a classification of the States as Northern and Southern States, as it is expressed by the honorable Senator from South Carolina, [Mr. CALHOUN,] but into slave States and free States, as more directly expressed by the honorable Senator from Georgia, [Mr. BERRIEN.] The argument is, that the States are severally equal, and that these two classes were equal at the first, and that the Constitution was founded on that equilibrium. That the States being equal, and the classes of the States being equal in rights, they are to be regarded as constituting an association in which each State, and each of these classes of States, respectively, contribute in due proportions. That the new Territories are a common acquisition, and the people of these several States and classes of States have an equal right to participate in them, respectively. That the right of the people of the slave States to emigrate to the Territories with their slaves as property is necessary to afford such a participation on their part, inasmuch as the people of the free States emigrate into the same Territories with their property. And the argument deduces from this right the principle that, if Congress exclude slavery from any part of this new domain, it would be only just to set off a portion of the domain—some say south of 36 deg. 30 min., others south of 34 deg.—which should be regarded at least as free to slavery, and to be organized into slave States.

Argument ingenious and subtle, declamation earnest and bold, and persuasion gentle and winning as the voice of the turtle dove when it is heard in the land, all alike and altogether have failed to convince me of the soundness of this principle of the proposed compromise, or of any one of the propositions on which it is attempted to be established.

How is the original equality of the States proved? It rests on a syllogism of Vattel, as follows: All men are equal by the law of nature and of nations. But States are only lawful aggregations of individual men, who severally are equal. Therefore, States are equal in natural rights. All this is just and sound. But assuming the same premises, to wit, that all men are equal by the law of nature and of nations, the right of property in slaves falls to the ground; for one who is equal to another cannot be the owner or property of that other. But you answer, that the Constitution recognises property in slaves. It would be sufficient, then, to reply that this constitutional recognition must be void, because it is repugnant to the law of nature and of nations. But I deny that the Constitution recognises property in man. I submit, on the other hand, most respectfully, that the Constitution not merely does not affirm that principle, but, on the contrary, altogether excludes it.

The Constitution does not *expressly* affirm anything on the subject; all that it contains is two incidental allusions to slaves. These are, first, in the provision establishing a ratio of representation and taxation; and, secondly, in the provision relating to fugitives from labor. In both cases the Constitution designedly mentions slaves, not as slaves, much less as chattels, but as *persons*. That this recognition of them as persons was designed is historically known, and I think was never denied. I give only two of the manifold proofs. First, John Jay, in the Federalist, says:

"Let the case of the slaves be considered, as it is in truth, a peculiar one. Let the compromising expedient of the Constitution be mutually adopted which regards them as *inhabitants*. but as debased below the equal level of free inhabitants, which regards the slave as divested of two-fifths of the man."

Yes, sir, of two fifths, but of only two-fifths; leaving still three-fifths; leaving the slave still an *inhabitant*, a person, a living, breathing, moving, reasoning, immortal man.

The other proof is from the Debates in the Convention. It is brief, and I think instructive:

"*August* 28, 1787.—Mr. BUTLER and Mr. PINCKNEY moved to require fugitive slaves and servants to be delivered up like convicts.

"Mr. WILSON. This would oblige the Executive of the State to do it at public expense.

"Mr. SHERMAN saw no more propriety in the public seizing and surrendering a slave or a servant than a horse.

"Mr. BUTLER withdrew his proposition, in order that some particular provision might be made apart from this article.

"*August* 29.—Mr. BUTLER moved to insert after article 15: 'If any person bound to service or labor in any of the United States shall escape into another State, he or she shall not be discharged from such service or labor in consequence of any regulation subsisting in the State to which they escape, but shall be delivered up to the person justly claiming their service or labor.'"

"After the engrossment, September 15, page 550, article 4, section 2, the 3d paragraph, the term 'legally' was struck out, and the words 'under the laws thereof' inserted after the word 'State,' in compliance with the wishes of some who thought the term 'legal' equivocal, and favoring the idea that slavery was legal in a *moral view*."—*Madison Debates, pp.* 487, 492.

I deem it established, then, that the Constitution does not recognise property in man, but leaves that question, as between the States, to the law of nature and of nations. That law, as expounded by Vattel, is founded in the reason of things. When God had created the earth, with its wonderful adaptations, he gave dominion over it to man, absolute human dominion. The title of that dominion thus bestowed would have been incomplete, if the Lord of all terrestrial things could himself have been the property of his fellow-man.

The right to *have* a slave implies the right in some one to *make* the slave; that right must be equal and mutual, and this would resolve society into a state of perpetual war. But if we grant the original equality of the States, and grant also the constitutional recognition of slaves as property, still the argument we are considering fails. Because the States are not parties to the Constitution as States; it is the Constitution of the People of the United States.

But even if the States continue as States, they surrendered their equality as States, and submitted themselves to the sway of the numerical majority, with qualifications or checks; first, of the representation of three-fifths of slaves in the ratio of representation and taxation; and, secondly, of the equal representation of States in the Senate.

The proposition of an established classification of States as *slave States* and *free States* as insisted on by some, and into *Northern* and *Southern* as maintained by others, seems to me purely imaginary, and of course the supposed equilibrium of those classes a mere conceit. This must be so, because when the Constitution was adopted twelve of the thirteen States were slave States, and so there was no equilibrium. And so as to the classification of States as Northern States and Southern States. It is the maintenance of slavery by law in a State, not parallels of latidude, that makes it a Southern State; and the absence of this that makes it a Northern State. And so all the States save one were Southern States, and there was no equilibrium. But the Constitution was made not only for Southern and Northern States, but for States neither Northern nor Southern—the Western States, their coming in being foreseen and provided for.

It needs little argument to show that the idea of a joint stock association, or a copartnership, as applicable even by its analogies to the United States, is erroneous, with all the consequences fancifully deduced from it. The United States are a political state, or organized society, whose end is government, for the security, welfare, and happiness of all who live under its protection. The theory I am combating reduces the objects of government to the mere spoils of conquest. Contrary to a theory so debasing, the preamble of the Constitution not only asserts the sovereignty to be, not in the States, but in the People, but also promulgates the objects of the Constitution:

"We, the people of the United States, in order to form a more *more perfect union*, establish *justice*, insure *domestic tranquillity*, provide for the *common defence*, promote the GENERAL WELFARE, and secure the *blessings of liberty*, do order and establish this Constitution."

Objects sublime and benevolent! They exclude the very idea of conquests, to be either divided among States or even enjoyed by them, for the purpose of securing, not the blessings of liberty, but the evils of slavery. There is a novelty in the principle of the compromise which condemns it. Simultaneously with the establishment of the Constitution, Virginia ceded to the United States her domain, which then extended to the Mississippi, and was even claimed to extend to the Pacific ocean. Congress accepted it, and unanimously devoted the domain to freedom, in the language from which the Ordinance now so severely condemned was borrowed. Five States have already been organized on this domain, from all of which, in pursuance of that Ordinance, slavery is excluded. How did it happen that this theory of the equality of States, of the classification of States, of the equilibrium of States, of the title of the States to common enjoyment of the domain, or to an equitable and just partition between them, was never promulgated, nor even dreamed of by the slave States when they unanimously consented to that Ordinance?

There is another aspect of the principle of compromise which deserves consideration. It assumes that slavery, if not the only institution in a slave State, is at least a ruling institution, and that this characteristic is recognised by the Constitution. But *slavery* is only *one* of many institutions there. Freedom is equally an institution there. Slavery is only a temporary, accidental, partial, and incongruous one. Freedom, on the contrary, is a perpetual, organic, universal one, in harmony with the Constitution of the United States. The slaveholder himself stands under the protection of the latter in common with all the free citizens of the State. But it is, moreover, an indispensable institution. You may separate slavery from South Carolina, and the State will still remain; but if you subvert freedom there, the State will cease to exist. But the principle of this compromise gives complete ascendency in the slave State, and in the Constitution of the United States, to the subordinate, accidental, and incongruous institution over its paramount antagonist. To reduce this claim for slavery to an absurdity, it is only necessary to add that there are only two States in which slaves are a majority, and not one in which the slaveholders are not a very disproportionate minority.

But there is yet another aspect in which this principle must be examined. It regards the domain only as a possession, to be enjoyed either in common or by partition by the citizens of the old States. It is true, indeed, that the national domain is ours. It is true it was acquired by the valor and with the wealth of the whole nation. But we hold, nevertheless, no arbitrary power over it. We hold no arbitrary authority over anything, whether acquired lawfully or seized by usurpation. The Constitution regulates our stewardship; the Constitution devotes the domain to union, to justice, to defence, to welfare, and to liberty.

But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part, no inconsiderable part, of the common heritage of mankind, bestowed upon them by the Creator of the Universe. We are his stewards, and must so discharge our trust as to secure in the highest attainable degree their happiness. How momentous that trust is, we may learn from the instructions of the founder of modern philosophy:

"No man," says Bacon, "can by care-taking, as the Scripture saith, add a cubit to his stature in this little model of a man's body; but, in the great frame of kingdoms and commonwealths, it is in the power of princes or estates to add amplitude and greatness to their kingdoms. For, by introducing such ordinances, constitutions, and customs, as are wise, they may sow greatness to their posterity and successors. But these things are commonly not observed, but left to take their chance."

This is a State, and we are deliberating for it, just as our fathers deliberated in establishing the institutions we enjoy. Whatever superiority there is in our condition and hopes over those of any other "kingdom" or "estate" is due to the fortunate circumstance that our ancestors did not leave things to "take their chance," but that they "added amplitude and greatness" to our commonwealth "by introducing such ordinances, constitutions, and customs, as were wise." We in our turn have succeeded to the same responsibilities, and we cannot approach the duty before us wisely or justly, except we raise ourselves to the great consideration of how we can most certainly "sow greatness to our posterity and successors."

And now the simple, bold, and even awful question which presents itself to us is this: Shall we, who are founding institutions, social and political, for countless millions; shall we, who know by experience the wise and the just, and are free to choose them, and to reject the erroneous and unjust; shall we establish human bondage, or permit it by our sufferance to be established? Sir, our forefathers would not have hesitated an hour. They found slavery existing here, and they left it only because they could not remove it. There is not only no free State which would now establish it, but there is no slave State, which, if it had had the free alternative as we now have, would have founded slavery. Indeed, our revolutionary predecessors had precisely the same question before them in establishing an organic law under which the States of Ohio, Michigan, Illinois, Wisconsin, and Iowa, have since come into the Union, and they solemnly repudiated and excluded slavery from those States forever. I confess that the most alarming evidence of our degeneracy which has yet been given is found in the fact that we even debate such a question.

Sir, there is no Christian nation thus free to choose as we are, which would establish slavery. I speak on due consideration, because Britain, France, and Mexico, have abolished slavery, and all other European States are preparing to abolish it as speedily as they can. We cannot establish slavery, because there are certain elements of the security, welfare, and greatness of nations, which we all admit or ought to admit, and recognise as essential, and these are the security of natural rights, the diffusion of knowledge, and the freedom of industry. Slavery is incompatible with all of these, and just in proportion to the extent that it prevails and controls in any republican State, just to that extent it subverts the principle of democracy, and converts the State into an aristocracy or a despotism. I will not offend sensibilities by drawing my proofs from the slave States existing among ourselves. But I will draw them from the greatest of the Europeon slave States.

The population of Russia in Europe, in 1844, was	54,251,000
Of these were serfs	53,500,000
The residue nobles, clergy, and merchants, &c.	751,000

The Imperial Government abandons the control over the fifty-three and a half millions to their owners, and these owners, included in the 751,000, are thus a privileged class, or aristocracy. If ever the Government interferes at all with the serfs, who are the only laboring population, it is by edicts designed to abridge their opportunities of education, and thus continue their debasement. What was the origin of this system? Conquest, in which the captivity of the conquered was made perpetual and hereditary. This, it seems to me, is identical with American slavery, only at one and the same time exaggerated by the greater disproportion between the privileged classes and the slaves in their respective numbers, and yet relieved of the unhappiest feature of American slavery, the distinction of castes. What but this renders Russia at once the most arbitrary despotism and the most barbarous State in Europe? And what is its effect, but industry comparatively profitless, and sedition, not occasional and partial, but chronic and pervading the Empire. I speak of slavery not in the language of fancy, but in the language of philosophy. Montesquieu remarked upon the proposition to introduce slavery into France, that the demand for slavery was the demand of luxury and corruption, and not the demand of patriotism. Of all slavery, African slavery is the worst, for it combines practically the features of what is distinguished as real slavery or serfdom with the personal slavery known in the Oriental world. Its domestic features lead to vice, while its political features render it injurious and dangerous to the State.

I cannot stop to debate long with those who maintain that slavery is itself practically economical and humane. I might be content with saying that there are some axioms in political science that a statesman or a founder of States may adopt, especially in the Congress of the United States, and that among those axioms are these: That all men are created equal, and have inalienable rights of life, liberty, and the choice of pursuits of happiness. That knowledge promotes virtue, and righteousness exalteth a nation. That freedom is preferable to slavery, and that democratic governments, where they can be maintained by acquiescence, without force, are preferable to institutions exercising arbitrary and irresponsible power.

It remains only to remark that our own experience has proved the dangerous influence and tendency of slavery. All our apprehensions of dangers, present and future, begin and end with slavery. If slavery, limited as it yet is, now threatens to subvert the Constitution, how can we, as wise and prudent statesmen, enlarge its boundaries and increase its influence, and thus increase already impending dangers? Whether, then, I regard merely the welfare of the future inhabitants of the new Territories, or the security and welfare of the whole people of the United States, or the welfare of the whole family of mankind, I cannot consent to introduce slavery into any part of this continent which is now exempt from what seems to me so great an evil. These are my reasons for declining to compromise the question relating to slavery as a condition of the admission of California.

In acting upon an occasion so grave as this, a respectful consideration is due to the arguments, founded on extraneous considerations, of Senators who commend a course different from that which I have preferred. The first of these arguments is that Congress has no power to legislate on the subject of slavery within the Territories.

Sir, Congress *may* admit new States; and since Congress may admit, it follows that Congress may *reject* new States. The discretion of Congress in admitting is absolute, except that, when admitted, the State must be a republican State, and must be a STATE: that is, it shall have the constitutional form and powers of a State. But the greater includes the less, and therefore Congress may impose *conditions* of admission not inconsistent with those fundamental powers and forms. Boundaries are such. The reservation of the public domain is

such. The right to divide is such. The Ordinance excluding slavery is such a condition. The organization of a Territory is ancillary or preliminary; it is the inchoate, the *initiative* act of admission, and is performed under the clause granting the powers necessary to execute the express powers of the Constitution.

This power comes from the treaty-making power also, and I think it well traced to the power to make needful rules and regulations concerning the public domain. But this question is not a material one now; the power is here to be exercised. The question now is, How is it to be exercised? not whether we shall exercise it at all, however derived. And the right to regulate property, to administer justice in regard to *property, is assumed* in every Territorial charter. If we have the power to legislate concerning property, we have the power to legislate concerning personal rights. Freedom is a *personal* right; and Congress, being the supreme legislature, has the same right in regard to property and personal rights in Territories that the States would have if organized.

The next of this class of arguments is, that the inhibition of slavery in the new Territories is *unnecessary;* and when I come to this question, I encounter the loss of many who lead in favor of admitting California. I had hoped, some time ago, that upon the vastly important question of inhibiting slavery in the new Territories, we should have had the aid especially of the distinguished Senator from Missouri, [Mr. BENTON,] and when he announced his opposition to that measure I was induced to exclaim—

> Cur in theatrum, Cato severe, venisti?
> An ideo, tantum, veneras ut exires?

But, sir, I have no right to complain. The Senator is crowning a life of eminent public service by a heroic and magnanimous act in bringing California into the Union. Grateful to him for this, I leave it to himself to determine how far considerations of human freedom shall govern the course which he thinks proper to pursue.

The argument is, that the *Proviso is unnecessary.* I answer, there, then, can be no error in insisting upon it. But why is it unnecessary? It is said, *first*, by reason of *climate.* I answer, if this be so, why do not the representatives of the slave States concede the Proviso? They deny that the climate prevents the introduction of slavery. Then I will leave nothing to a contingency. But, in truth, I think the weight of argument is against the proposition. Is there any climate where slavery has not existed? It has prevailed all over Europe, from sunny Italy to bleak England, and is existing now, stronger than in any other land, in ice-bound Russia. But it will be replied, that this is not African slavery. I rejoin, that only makes the case the stronger. If this vigorous Saxon race of ours was reduced to slavery while it retained the courage of semi-barbarism in its own high northern latitude, what security does climate afford against the transplantation of the more gentle, more docile, and already enslaved and debased African to the genial climate of New Mexico and Eastern California?

Sir, there is no climate uncongenial to slavery. It is true it is less productive than free labor in many northern countries. But so it is less productive than free white labor in even tropical climates. Labor is in demand quick in all new countries. Slave labor is cheaper than free labor, and it would go first into new regions; and wherever it goes it brings labor into dishonor, and therefore free white labor avoids competition with it. Sir, I might rely on climate if I had not been born in a land where slavery existed; and this land was all of it north of the 40th parallel of latitude; and if I did not know the struggle it has cost, and which is yet going on, to get complete relief from the institution and its baleful consequences. I desire to propound this question to those who are now in favor of dispensing with the Wilmot Proviso. Was the Ordinance of 1787 necessary or not? Necessary, we all agree. It has received too many eulogiums to be now decried as an idle and superfluous thing. And yet that Ordinance extended the inhibition of slavery from the 37th to the 40th parallel of north latirude. And now we are told that the inhibition named is unnecessary anywhere north of 36 degrees 30 minutes! We are told that we may rely upon the laws of God, which prohibit slave labor north of that line, and that it is absurd to re-enact the laws of God. Sir, there is no human enactment which is just that is not a re-enactment of the law of God. The Constitution of the United States and the Constitutions of all the States are full of such re-enactments. Wherever I find a law of God or a law of nature disregarded, or in danger of being disregarded, there I shall vote to reaffirm it, with all the sanction of the civil authority. But I find no authority for the position that climate prevents slavery anywhere. It is the indolence of mankind in any climate, and not the natural necessity, that introduces slavery in any climate.

I shall dwell only very briefly on the argument derived from the Mexican laws. The proposition, that those laws must remain in force until altered by laws of our own, is satisfactory; and so is the proposition that those Mexican laws abolished and continue to prohibit slavery. And still I deem an enactment by ourselves wise and even necessary. Both of the propositions I have stated are denied with just as much confidence by Southern statesmen and jurists as they are affirmed by those of the free States. The population of the new Territories is rapidly becoming an American one, to whom the Mexican code will seem a foreign one, entitled to little deference or obedience.

Slavery has never obtained anywhere by express legislative authority, but always by trampling down laws higher than any mere municipal laws—the laws of nature and of nations. There can be no oppression in superadding the sanction of Congress to the authority which is so weak and so vehemently questioned. And there is some possibility, if not a probability, that the institution may obtain a foothold surreptitiously, if it should not be absolutely forbidden by our own authority.

What is insisted upon, therefore, is not a mere abstraction or a mere sentiment, as is contended by those why waive the Proviso. And what is conclusive on the subject is, that it is conceded on all hands that the effect of insisting on it prevents the intrusion of slavery into the region to which it is proposed to apply it.

It is insisted that the diffusion of slavery will not increase its evils. The argument seems to me merely specious and quite unsound. I desire to propose one or two questions in reply to it. Is slavery stronger or weaker in these United States, from its diffusion into Missouri? Is slavery weaker or stronger in these United States, from the exclusion of it from the Northwest Territory? The answers to these questions will settle the whole controversy.

And this brings me to the great and all-absorbing argument that the Union is in danger of being dissolved, and that it can only be saved by compromise. I do not know what I would not do to save the Union; and therefore I shall bestow upon this subject a very deliberate consideration.

I do not overlook the fact that the entire delegation from the slave States, although they differ in regard to the details of compromise proposed, and perhaps in regard to the exact circumstances of the crisis, seem to concur in this momentous warning. Nor do I

doubt at all the patriotic devotion to the Union which is expressed by those from whom this warning proceeds. And yet, sir, although such warnings have been uttered with impassioned solemnity in my hearing every day for near three months, my confidence in the Union remains unshaken. I think they are to be received with no inconsiderable distrust, because they are uttered under the influence of a controlling interest to be secured, a paramount object to be gained; and that is an equilibrium of power in the Republic. I think they are to be received with even more distrust, because, with the most profound respect, they are uttered under an obviously high excitement. Nor is that excitement an unnatural one. It is a law of our nature that the passions disturb the reason and judgment just in proportion to the importance of the occasion, and the consequent necessity for calmness and candor. I think they are to be distrusted, because there is a diversity of opinion in regard to the nature and operation of this excitement. The Senators from some States say that it has brought all parties in their own region into unanimity. The honorable Senator from Kentucky [Mr. CLAY] says that the danger lies in the violence of party spirit, and refers us for proof to the difficulties which attended the organization of the House of Representatives.

Sir, in my humble judgment, it is not the fierce conflict of parties that we are seeing and hearing; but, on the contrary, it is the agony of distracted parties—a convulsion resulting from the too narrow foundations of both and of all parties—foundations laid in compromises of natural justice and of human liberty. A question, a moral question, transcending the too narrow creeds of parties, has arisen: the public conscience expands with it, and the green withes of party associations give way and break, and fall off from it. No, sir; it is not the State that is dying of the fever of party spirit. It is merely a paralysis of parties, premonitory however of their restoration, with new elements of health and vigor to be imbibed from that spirit of the age which is so justly called Progress.

Nor is the evil that of unlicensed, irregular, and turbulent faction. We are told that twenty Legislatures are in session, burning like furnaces, heating and inflaming the popular passions. But these twenty Legislatures are constitutional furnaces. They are performing their customary functions, imparting healthful heat and vitality while within their constitutional jurisdiction. If they rage beyond its limits, the popular passions of this country are not at all, I think, in danger of being inflamed to excess. No, sir; let none of these fires be extinguished. Forever let them burn and blaze. They are neither ominous meteors nor baleful comets, but planets; and bright and intense as their heat may be, it is their native temperature, and they must still obey the law which, by attraction toward this solar centre, holds them in their spheres.

I see nothing of that conflict between the Southern and Northern States, or between their representative bodies, which seems to be on all sides of me assumed. Not a word of menace, not a word of anger, not an intemperate word, has been uttered in the Northern Legislatures. They firmly but calmly assert their convictions; but at the same time they assert their unqualified consent to submit to the common arbiter, and for weal or wo abide the fortunes of the Union.

What if there be less of moderation in the Legislatures of the South? It only indicates on which side the balance is inclining, and that the decision of the momentous question is near at hand. I agree with those who say that there can be no peaceful dissolution—no dissolution of the Union by the secession of States; but that disunion, dissolution, happen when it may, will and must be revolution. I discover no omens of revolution. The predictions of the political astrologers do not agree as to the time or manner in which it is to occur. According to the authority of the honorable Senator from Alabama, [Mr. CLEMENS,] the event has already happened, and the Union is now in ruins. According to the honorable and distinguished Senator from South Carolina, [Mr. CALHOUN,] it is not to be immediate, but to be developed by time.

What are the omens to which our attention is directed? I see nothing but a broad difference of opinion here, and the excitement consequent upon it.

I have observed that revolutions which begin in the palace seldom go beyond the palace walls, and they affect only the dynasty which reigns there. This revolution, if I understand it, began in this Senate chamber a year ago, when the representatives from the Southern States assembled here and addressed their constituents on what were called the aggressions of the Northern States. No revolution was designed at that time, and all that has happened since is the return to Congress of legislative resolutions, which seem to me to be conventional responses to the address which emanated from the Capitol.

Sir, in any condition of society there can be no revolution without a cause, an adequate cause. What cause exists here? We are admitting a new State; but there is nothing new in that: we have already admitted seventeen before. But it is said that the slave States are in danger of losing political power by the admission of the new State. Well, sir, is there anything new in that? The slave States have always been losing political power, and they always will be while they have any to lose. At first, twelve of the thirteen States were slave States; now only fifteen out of the thirty are slave States. Moreover, the change is constitutionally made, and the Government was constructed so as to permit changes of the balance of power, in obedience to changes of the forces of the body politic. Danton used to say, "It's all well while the people cry Danton and Robespierre; but wo for me if ever the people learn to say, Robespierre and Danton!" That is all of it, sir. The people have been accustomed to say, the South and the North; they are only beginning now to say, the North and the South.

Sir, those who would alarm us with the terrors of revolution have not well considered the structure of this Government, and the organization of its forces. It is a Democracy of property and persons, with a fair approximation towards universal education, and operating by means of universal suffrage. The constituent members of this Democracy are the only persons who could subvert it; and they are not the citizens of a metropolis like Paris, or of a region subjected to the influences of a metropolis like France; but they are husbandmen, dispersed over this broad land, on the mountain and on the plain, and on the prairie, from the ocean to the Rocky Mountains, and from the great Lakes to the Gulf; and this people are now, while we are discussing their imaginary danger, at peace and in their happy homes, and as unconcerned and uninformed of their peril as they are of events occurring in the moon. Nor have the alarmists made due allowance in their calculations for the influence of conservative reaction, strong in any Government, and irresistible in a rural Republic, operating by universal suffrage. That principle of reaction is due to the force of the habits of acquiescence and loyalty among the people. No man better understood this principle than MACHIAVELLI, who has told us, in regard to factions, that "no safe reliance can be placed in the force of nature and the bravery of words, except it be corroborated by custom." Do the alarmists remember that this Govern-

ment has stood sixty years already without exacting one drop of blood? that this Government has stood sixty years, and treason is an obsolete crime? That day, I trust, is far off when the fountains of popular contentment shall be broken up; but. whenever it shall come, it will bring forth a higher illustration than has ever yet been given of the excellence of the Democratic system; for then it will be seen how calmly, how firmly, how nobly, a great people can act in preserving their Constitution: whom "love of country moveth, example teacheth, company comforteth, emulation quickeneth, and glory exalteth."

When the founders of the new Republic of the South come to draw over the face of this empire, along or between its parallels of latitude or longitude, their ominous lines of dismemberment, soon to be broadly and deeply shaded with fraternal blood, they may come to the discovery then, if not before, that the natural and even the political connections of the region embraced forbid such a partition; that its possible divisions are not Northern and Southern at all, but Eastern and Western, Atlantic and Pacific; and that Nature and Commerce have allied indissolubly for weal and wo the seceders and those from whom they are to be separated; that, while they would rush into a civil war to restore an imaginary equilibrium between the Northern States and the Southern States, a new equilibrium has taken its place, in which all those States are on the one side, and the boundless West is on the other.

Sir, when the founders of the new Republic of the South come to draw those fearful lines, they will indicate what portions of the continent are to be broken off from their connection with the Atlantic, through the St. Lawrenee, the Hudson, the Delaware, the Potomac, and the Mississippi; what portion of this people are to be denied the use of the lakes, the railroads, and the canals, now constituting common and customary avenues of travel, trade, and social intercourse; what families and kindred are to be separated, and converted into enemies; and what States are to be the seenes of perpetual border warfare, aggravated by interminable horrors of servile insurrection. When those portentous lines shall be drawn, they will disclose what portion of this people is to retain the army and the navy, and the flag of so many victories; and, on the other hand, what portion of the people is to be subjected to new and ominous imposts, direct taxes, and forced loans, and conscriptions, to maintain an opposing army, an opposing navy, and the new and hateful banner of sedition. Then the projectors of the new Republic of the South will meet the question—and they may well prepare now to answer it—What is all this for? What intolerable wrong, what unfraternal injustice, have rendered these calamities unavoidable? What gain will this unnatural revolution bring to us? The answer will be: All this is done to secure the institution of African slavery.

And then, if not before, the question will be discussed, What is this institution of slavery, that it should cause these unparalleled sacrifices and these disastrous afflictions? And this will be the answer: When the Spaniards, few in number, discovered the Western Indies and adjacent continental America, they needed labor to draw forth from its virgin stores some speedy return to the cupidity of the court and the bankers of Madrid. They enslaved the indolent, inoffensive, and confiding natives, who perished by thousands, and even by millions, under that new and unnatural bondage. A humane ecclesiastic advised the substitution of Africans reduced to captivity in their native wars, and a pious princess adopted the suggestion, with a dispensation from the head of the church, granted on the ground of the prescriptive right of the Christian to enslave the heathen, to effect his conversion. The colonists o North America, innocent in their unconsciousness of wrong, encouraged the slave traffic, and thus the labor of subduing their territory devolved chiefly upon the African race. A happy conjunctnre brought on an awakening of the conscience of mankind to the injustice of slavery, simultaneously with the independence of the Colonies. Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, New York, New Jersey, and Pennsylvania, welcomed and embraced the spirit of universal emancipation. Renouncing luxury, they secured influenee and empire. But the States of the South, misled by a new and profitable culture, elected to maintain and perpetuate slavery, and thus, choosing luxury, they lost power and empire.

When this answer shall be given, it will appear that the question of dissolving the Union is a complex question; that it embraces the fearful issue whether the Union shall stand, and slavery, under the steady, peaceful action of moral, social, and political causes, be removed by gradual, voluntary effort, and with compensation, or whether the Union shall be dissolved, and civil wars ensue, bringing on violent but complete and immediate emancipation. We are now arrived at that stage of our national progress when that crisis can be foreseen, when we must foresee it. It is directly before us. Its shadow is upon us. It darkens the legislative halls, the temples of worship, and the home and the hearth. Every question, political, civil, or ecclesiastical, however foreign to the subject of slavery, brings up slavery as an incident, and the incident supplants the principal question. We hear of nothing but slavery, and we can talk of nothing but slavery. And now, it seems to me that all our difficulties, embarrassments, and dangers, arise, not out of unlawful perversions of the question of slavery, as some suppose, but from the want of moral courage to meet this question of emancipation as we ought. Consequently, we hear on one side demands—absurd, indeed, but yet unceasing—for an immediate and unconditional abolition of slavery, as if any power, except the people of the slave States, could abolish it, and as if they could be moved to abolish it by merely sounding the trumpet violently and proclaiming emancipation, while the institution is interwoven with all their social and political interests, constitutions, and customs.

On the other hand, our statesmen say that "slavery has always existed, and, for aught they know or can do, it always must exist. God permitted it, and he alone can indicate the way to remove it." As if the Supreme Creator, after giving us the instructions of his providence and revelation for the illumination of our minds and consciences, did not leave us, in all human transactions, with due invocations of his Holy Spirit, to seek out his will and execute it for ourselves.

Here, then, is the point of my separation from both of these parties. I feel assured that slavery must give way, and will give way, to the salutary instructions of economy, and to the ripening influences of humanity; that emancipation is inevitable, and is near; that it may be hastened or hindered; and that whether it be peaceful or violent, depends u on the question whether it be hastened or hindered; that all measures which fortify slavery or extend it, tend to the consummation of violence; all that check its extension and abate its strength, tend to its peaceful extirpation. But I will adopt none but lawful, constitutional, and peaceful means, to secure even that end; and none such can I or will I forego. Nor do I know any important or responsible body that proposes to do more than this. No free State claims to extend its legislation into a slave State. None claims that Congress shall usurp power to abolish slavery in the slave States. None claims

that any violent, unconstitutional, or unlawful measure shall be embraced. And, on the other hand, if we offer no scheme or plan for the adoption of the slave States, with the assent and co-operation of Congress, it is only because the slave States are unwilling as yet to receive such suggestions, or even to entertain the question of emancipation in any form.

But, sir, I will take this occasion to say that, while I cannot agree with the honorable Senator from Massachusetts in proposing to devote eighty millions of dollars to remove the free colored population from the slave States, and thus, as it appears to me, fortify slavery, there is no reasonable limit to which I am not willing to go in applying the national treasures to effect the peaceful, voluntary removal of slavery itself.

I have thus endeavored to show that there is not now, and there is net likely to occur, any adequate cause for revolution in regard to slavery. But you reply that, nevertheless, you must have guaranties; and the first one is for the surrender of fugitives from labor. That guaranty you cannot have, as I have already shown, because you cannot roll back the tide of social progress. You must be content with what you have. If you wage war against us, you can, at most, only conquer us, and then all you can get will be a treaty, and that you have already.

But you insist on a guaranty against the abolition of slavery in the District of Columbia, or war. Well, when you shall have declared war against us, what shall hinder us from immediately decreeing that slavery shall cease within the national capital?

You say that you will not submit to the exclusion of slaves from the new Territories. What will you gain by resistance? Liberty follows the sword, although her sway is one of peace and beneficence. Can you propagate slavery then by the sword?

You insist that you cannot submit to the freedom with which slavery is discussed in the free States. Will war—a war for slavery—arrest or even moderate that discussion? No, sir; that discussion will not cease; war would only inflame it to a greater height. It is a part of the eternal conflict between truth and error—between mind and physical force—the conflict of man against the obstacles which oppose his way to an ultimate and glorious destiny. It will go on until you shall terminate it in the only way in which any State or nation has ever terminated it—by yielding to it—yielding in your own time, and in your own manner, indeed, but nevertheless yielding to the progress of emancipation. You will do this, sooner or later, whatever may be your opinion now; because nations which were prudent and humane, and wise as you are, have done so already.

Sir, the slave States have no reason to fear that this inevitable change will go too far or too fast for their safety or welfare. It cannot well go too fast or too far if the only alternative is a war of races.

But it cannot go too fast. Slavery has a reliable and accommodating ally in a party in the free States, which, though it claims to be, and doubtless is in many respects, a party of progress, finds its sole security for its political power in the support and aid of slavery in the slave States. Of course, I do not include in that party those who are now co-operating in maintaining the cause of freedom against slavery. I am not of that party of progress in the North which thus lends its support to slavery. But it is only just and candid that I should bear witness to its fidelity to the interests of slavery.

Slavery has, moreover, a more natural alliance with the aristocracy of the North and with the aristocracy of Europe. So long as slavery shall possess the cotton-fields, the sugar-fields, and the rice-fields of the world, so long will commerce and capital yield it toleration and sympathy. Emancipation is a democratic revolution. It is capital that arrests all democratic revolutions. It was capital that in a single year rolled back the tide of revolution from the base of the Carpathian mountains, across the Danube and the Rhine, into the streets of Paris. It is capital that is rapidly rolling back the throne of Napoleon into the chambers of the Tuileries.

Slavery has a guaranty still stronger than these in the prejudices of caste and color, which induce even large majorities in all the free States to regard sympathy with the slave as an act of unmanly humiliation and self-abasement, although philosophy meekly expresses her distrust of the asserted natural superiority of the white race, and confidently denies that such a superiority, if justly claimed, could give a title to oppression.

There remains one more guaranty—one that has seldom failed you, and will seldom fail you hereafter. New States cling in closer alliance than older ones to the Federal power. The concentration of the slave power enables you for long periods to control the Federal Government with the aid of the new States. I do not know the sentiments of the representatives of California, but my word for it, if they should be admitted on this floor to-day, against your most obstinate opposition, they would, on all questions really affecting your interests, be found at your side.

With these alliances to break the force of emancipation, there will be no disunion and no secession. I do not say that there may not be disturbance, though I do not apprehend even that. Absolute regularity and order in administration have not yet been established in any Government, and unbroken popular tranquillity has not yet been attained in even the most advanced condition of human society. The machinery of our system is necessarily complex. A pivot may fall out here, a lever may be displaced there, a wheel may fall out of gearing elsewhere, but the machinery will soon recover its regularity and move on just as before, with even better adaptation and adjustment to overcome new obstructions.

There are many well-disposed persons who are alarmed at the occurrence of any such disturbance. The failure of a legislative body to organize is to their apprehension a fearful omen, and an extra-constitutional assemblage to consult upon public affairs is with them cause for desperation. Even Senators speak of the Union as if it existed only by consent, and, as it seems to be implied, by the assent of the Legislatures of the States. On the contrary, the Union was not founded in voluntary choice, nor does it exist by voluntary consent.

A Union was proposed to the colonies by Franklin and others, in 1754; but such was their aversion to an abridgment of their own importance, respectively, that it was rejected even under the pressure of a disastrous invasion by France.

A Union of choice was proposed to the colonies in 1775; but so strong was their opposition that they went through and through the war of Independence without having established more than a mere council of consultation.

But with independence came enlarged interests of agriculture—absolutely new interests of manufactures—interests of commerce, of fisheries, of navigation, of a common domain, of common debts, of common revenues and taxation, of the administration of justice, of public defence, of public honor; in short, interests of common nationality and sovereignty—interests which at last compelled the adoption of a more perfect union—a National Government.

The genius, talents, and learning of Hamilton, of Jay, and of Madison, surpassing perhaps the intel-

lectual power ever exerted before for the establishment of a Government, combined with the serene but mighty influence of Washington, were only sufficient to secure the reluctant adoption of the Constitution that is now the object of all our affections and of the hopes of mankind. No wonder that the conflicts in which that Constitution was born, and the almost desponding solemnity of Washington, in his Farewell Address, impressed his countrymen and mankind with a profound distrust of its perpetuity! No wonder that while the murmurs of that day are yet ringing in our ears, we have cherished that distrust, with pious reverence, as a national and patriotic sentiment!

But it is time to prevent the abuses of that sentiment. It is time to shake off that fear, for fear is always weakness. It is time to remember that Government, even when it arises by chance or accident, and is administered capriciously and oppressively, is ever the strongest of all human institutions, surviving many social and ecclesiastical changes and convulsions, and that this Constitution of ours has all the inherent strength common to Governments in general, and added to them has also the solidity and firmness derived from broader and deeper foundations in national justice, and a better civil adaptation to promote the welfare and happiness of mankind.

The Union, the creature of necessities, physical, moral, social, and political, endures by virtue of the same necessities; and these necessities are stronger than when it was produced—stronger by the greater amplitude of territory now covered by it—stronger by the sixfold increase of the society living under its beneficent protection—stronger by the augmentation ten thousand times of the fields, the workshops, the mines, and the ships of that society; of its productions of the sea, of the plough, of the loom, and of the anvil, in their constant circle of internal and international exchange—stronger in the long rivers penetrating regions before unknown—stronger in all the artificial roads, canals, and other channels and avenues essential not only to trade but to defence—stronger in steam navigation, in steam locomotion on the land, and in telegraph communications, unknown when the Constitution was adopted—stronger in the freedom and in the growing empire of the seas—stronger in the element of national honor in all lands, and stronger than all in the now settled habits of veneration and affection for institutions so stupendous and so useful.

The Union, then, *is*, not because merely that men choose that it shall be, but because some Government must exist here, and no other Government than this can. If it could be dashed to atoms by the whirlwind, the lightning, or the earthquake, to-day, it would rise again in all its just and magnificent proportions to-morrow.

This nation is a globe still accumulating upon accumulation, not a dissolving sphere.

I have heard somewhat here, and almost for the first time in my life, of divided allegiance—of allegiance to the South and to the Union—of allegiance to States severally and to the Union. Sir, if sympathies with State emulation and pride of achievement could be allowed to raise up another sovereign to divide the allegiance of a citizen of the United States, I might recognise the claims of the State to which, by birth and gratitude, I belong—to the State of Hamilton and Jay, of Schuyler, of the Clintons, and of Fulton—the State which, with less than two hundred miles of natural navigation connected with the ocean, has, by her own enterprise, secured to herself the commerce of the continent, and is steadily advancing to the command of the commerce of the world. But for all this I know only one country and one sovereign—the United States of America and the American People. And such as my allegiance is, is the loyalty of every other citizen of the United States. As I speak, he will speak when his time arrives. He knows no other country, and no other sovereign. He has life, liberty, property, and precious affections, and hopes for himself and for his posterity, treasured up in the ark of the Union. He knows as well and feels as strongly as I do that this Government is his own Government; that he is a part of it; that it was established for him, and that it is maintained by him; that it is the only truly wise, just, free, and equal Government that has ever existed; that no other Government could be so wise, just, free, and equal; and that it is safer and more beneficent than any which time or change could bring into its place.

You may tell me, sir, that although all this may be true, yet the trial of faction has not yet been made. Sir, if the trial of faction has not been made, it has not been because faction has not always existed, and has not always menaced a trial, but because faction could find no fulcrum on which to place the lever to subvert the Union, as it can find no fulcrum now; and in this is my confidence. I would not rashly provoke the trial; but I will not suffer a fear, which I have not, to make me compromise one sentiment, one principle of truth or justice, to avert a danger that all experience teaches me is purely chimerical. Let, then, those who distrust the Union make compromises to save it. I shall not impeach their wisdom, as I certainly cannot their patriotism; but indulging no such apprehensions myself, I shall vote for the admission of California directly, without conditions, without qualifications, and without compromise.

For the vindication of that vote I look not to the verdict of the passing hour, disturbed as the public mind now is by conflicting interests and passions, but to that period, happily not far distant, when the vast regions over which we are now legislating shall have received their destined inhabitants.

While looking forward to that day, its countless generations seem to me to be rising up and passing in dim and shadowy review before us; and a voice comes forth from their serried ranks, saying, "Waste your treasures and your armies, if you will; raze your fortifications to the ground; sink your navies into the sea; transmit to us even a dishonored name, if you must; but the soil you hold in trust for us—give it to us free. You found it free, and conquered it to extend a better and surer freedom over it. Whatever choice you have made for yourselves, let us have no partial freedom; let us all be free: let the reversion of your broad domain descend to us unincumbered, and free from the calamities and the sorrows of human bondage."

29

SPEECH

OF

MR. P. H. SILVESTER, OF NEW YORK,

ON

THE TERRITORIAL QUESTION,

THE

ADMISSION OF CALIFORNIA, AND FOR THE UNION.

DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, JUNE 3, 1850.

WASHINGTON.

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SPEECH.

The House being in Committee of the Whole on the state of the Union, and having under consideration the President's message on the admission of California, Mr. SILVESTER, of New York, addressed the Committee as follows:

Mr. CHAIRMAN: The gentleman from Massachusetts, (Mr. WINTHROP,) in a speech that he delivered on this floor some months since, said that he thought, or that others did, that the ship of state was equipoised on the verge of a wave, and that before her was an unfathomable abyss, into which she was in danger of being plunged.

A gentleman from Mississippi, (Mr. McWILLIE,) also said that the vessel of state was within the circling influences of the maelstrom of disunion; that already she began to feel the force of the waters; and that soon she would be engulphed within this vortex, unless timely and efficient aid was afforded her. I cannot, sir, concur in either of these melancholy representations of the situation of our beloved country. The ship of state is not in danger, as far as the people are concerned. A *congressional flaw* has struck her; she has only made a *lee lurch;* she will soon be righted, and come into port with her sails all set and without a rent—the vessel itself safe and sound, and the same honored, distinguished, and trustworthy commander on board who is now at the helm, and who will never surrender the noble vessel to the black and piratical flag of disunion.

In my humble opinion, there is no danger of this Union. If the politicians desired a dissolution, the people would not suffer it. Let this Congress, if it could do it, pass a law declaring the Union dissolved, and the South Carolina doctrine of nullification would be the popular doctrine. It would run rampant through the land, and be the order of the day. We should not only be expunged out of our seats, but we would be politically expunged, and that for all time to come. Let any individual of this or the other House introduce a resolution declaring that the Union is dissolved, and he would render himself as infamously notorious as he who burnt the temple at Ephesus, or as Benedict Arnold himself. The hearts of the people are sound upon this question, and politicians cannot change them. They are firmly and devotedly attached to the union of these States. They are bound to it by cords which cannot easily be sundered. All the agitation and tumult that exist, are made and exist only here. The country, from one portion of the Union to the other, is as calm and composed as a "summer's morning; and, although dissatisfaction and discontent are attempted to be sown in it broadcast, still our fellow-citizens are engaged as usual in their accustomed avocations, and the political storm and tempest which have raged within these Halls, have passed over them without disturbing their equanimity.

Nature and art both combine with our own feelings to declare us a united people. Our rivers and mountains, our telegraphs, railroads, canals, and other channels of communication, our common language and common origin, proclaim, in accents too emphatic to be mistaken, "what God has joined together let no man put asunder."

But still it is painful to hear and witness what has been heard and witnessed on this floor.

On the most memorable day of the session, the 13th of December last, a gentleman from Virginia, (Mr. MEADE,) said that, if certain acts were passed, he hoped that his eyes had rested on the last Speaker of this House.

A gentleman from Georgia, (Mr. TOOMBS,) at the same time declared that, if certain measures were adopted, he was in favor of disunion. Disunion for what? Not because we wished to agitate the question of slavery in the States, or to interfere with the relation of master and servant there at all. Not that we proposed to take away any of the rights which are guarantied by the Constitution to any individual in this Confederacy. Disunion for what? "Tell it not in Gath, publish it not in the

streets of Ascalon," lest the nations of the earth rejoice and laugh us to scorn, because we desired to devote free territory to freedom; to keep that free which came to us so. While he was denouncing a party on this floor who required pledges from their candidate for Speaker, he demanded pledges from this House to a certain course of policy, before he would consent to its organization. In the one case the demand and pledge were secret; in the other the demand was open, and this was the difference between them. And for fear that such acts should be passed, he was unwilling that an organization should take place. He desired that the purse strings of the nation should be closed. His section wanted nothing and would have nothing from the public Treasury. It then occurred to me, that it was very fortunate for the State of Georgia that all the Indian tribes within her borders were removed, and that neither she nor her citizens had any claim against the United States, if the gentleman's doctrine was to prevail. He was a warm advocate of the election of President Taylor, and rumor says that he was instrumental in the appointment of one or more of the Cabinet. He must have known that, in the course he pursued, he was thwarting the Administration of his own choice, and denying to it and to its members, and to all the subordinate officers, through the want of the organization of Congress, the salaries to which they would be entitled, and that he was stopping the legislation of the country. He declared that, if we refused to give him the pledge he required, he wished "that discord might reign forever." What a scene was then presented on this floor; what clapping, what stamping, what manifestations of applause; such as were unbecoming the place, undignified in us as representatives, and disrespectful to the American people. I will here quote a passage from the legacy of the Father of his Country to us, his descendants. It has often been referred to, but it cannot too often be read and reflected upon. It appears to me to be extremely appropriate in this place. Let us cherish it as we would our dearest earthly treasure, and be influenced by its precious precepts and injunctions.

"The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence—the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed,—it is of infinite moment, that you should properly estimate the immense value of your national Union, to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourself to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

Another gentleman from the same State (Mr. Stephens) concurred in all that his colleague had said, and made a remark, which it pained me to hear escape his lips—"Let the curses of the eternal God rest upon the man who does not stand by his section." We, on this side of the Chamber, have been used to look up to him as one of our standard bearers; one of the champions of the Whig party. We were proud of him; we admired, we respected, we loved him, on account of his enlarged national views, of the eloquence with which he uttered them, and the firmness and decision with which he maintained them. We were proud of him, not the less so, because his eyes first saw the light under a southern sun, or that his fame was a part of the fame of the whole country. He always stood like a rock of adamant, in the midst of the waters, against whose base the waves of Executive misrule dashed harmless. He denounced in a fearless, independent, and eloquent manner, the encroachments of the Executive on the powers of Congress, and especially on the rights of this House. He was one of our beacon lights to point out to us the shoals and quicksands that beset our path. When this expression fell from his lips, I could have said, as Fisher Ames did in his eulogy on Hamilton, "My heart grew liquid as I heard it, and I could have poured it out like water." The gentleman said that the

language above used by him was uttered by Kossuth. Could the noble Hungarian, the Washington of his country, have entertained, much less expressed such a sentiment? It is not characteristic of the man. I do not see how he could have applied it.

In speaking of or to a division, a brigade, a regiment, a company, a section of the army, he might have said, stand by your section against the injustice and oppression of Austria and Russia. To the citizens he might have said, stand by your own country, as against the assaults of your enemies; be steadfast, be determined and firm in the maintenance of your rights. He could not have said of his own country and to his own countrymen, stand by your section as against each other. It was extremely appropriate, in making his appeal to them against their enemies; entirely out of place and improper, if addressed to different portions of his own countrymen, with a view of rendering them hostile to their brethren. As applied to the honorable gentleman's own country, is not the expression an unfortunate one? How can any measure be matured and adopted, if each section of this vast country looks only to its own peculiar interests and not to the happiness and welfare of the whole? If the North should insist, that its policy only should be secured, and the South, that it would only advocate its own peculiar interests; if the West should say, we can legislate only to promote the prosperity of our section, and the East, we have a legislation which must be enforced exclusively for our benefit; in what a position would such a course place us! How humiliating and inefficient would this Government then be! The gentleman, in the debate on the bill for the purchase of the autograph copy of the Farewell Address of Gen. Washington, described in glowing and lively colors the principles contained in it, and commended them to our admiration and practice. Is the imprecation he invoked upon the individual who did not stand by his section in correspondence with the principles and sentiments of that address?

A gentleman from Mississippi, (Mr. BROWN,) and a gentleman from North Carolina, (Mr. CLINGMAN,) went so far as to say, that they had calculated the value of the Union. The latter gentleman thought, if I mistake not, among other benefits a dissolution of the Union would bring to his own State, one would be a reduction in the price of railroad iron. We, in our section, do not estimate the Union by dollars and cents; we keep no balance sheet of that kind. Our account is all one of indebtedness to the Union. A gentleman from Massachusetts (Mr. MANN) declared, "better disunion, better a civil or servile war, better any thing that God in his providence shall send, than an extension of the bounds of slavery" Sentiments like the above have, from time to time, been promulged on this floor. In none of them can I concur. Within the Union we have every thing to expect for ourselves and our children; the blessings of the present, the glorious prospects of the future, the cheering recollections of the past, are all urging us to be true to our country and its institutions. Without the Union, we cannot expect any thing but dissension at home, and not only want of respect abroad, but merited reproach and condemnation. I am utterly disgusted with this continual cry of disunion, disunion, come from whatever quarter it may. It grates upon my ears like the shrill and piercing cry of the bird of night, in a most secluded and desolate spot in the wilderness, at the midnight hour; it creates in my mind feelings of revulsion, which I cannot and will not attempt to describe. The very thought is repulsive to every true American heart.

Mr. Chairman, this is an age of wonderful discoveries in the arts and sciences. In our day the propulsion of vessels by steam, and the application of that mighty power to the great iron horse on the railway, has almost been brought to perfection. The magnetic telegraph, one of the greatest inventions of modern times, connecting, almost in the twinkling of an eye, the remotest points of the country, and nullifying time and space, claims for its author one of our own citizens, recently deceased. But the greatest discovery, is that made in political economy by Southern gentlemen, who openly, and with apparent sincerity, advance and advocate the doctrine in this place, *that slavery is a great moral, social, political, and religious blessing.*

If they will entertain and express such opinions, they must not expect them to remain uncontradicted. I do not intend to speak offensively; and I now refer to the

institution of slavery, not because it exists in the Southern States, but simply for the reason that its principles are justified, and its extension, beyond its present bounds, is proposed by Southern gentlemen. Within the States, it is not a debateable question; without the States, we have a right to speak of it as we think of it, provided we do so in a courteous manner. Our fathers did not ascribe to this institution, such high, such holy, attributes as are now claimed for it. In this particular, at least, our Southern friends are "wiser than their fathers were."

It is a wisdom, however, that shows more advancement in recession than in progression. A wisdom that our ancestors derided, and that illy comports with the enlightened public opinion of the present day. The patriots of the Revolution were opposed to it. They considered it an evil; an evil to be endured for a time, and which could not easily or immediately be cured. Look at the embodiment of public sentiment, as contained in the resolves of the conventions preceding the Revolution. Look at the opinions of many of the distinguished men of those times. We all know the convictions of General Washington, and of others, his illustrious compeers. I will not detain you by quoting them. In the preamble to the constitution of Virginia you will find, as one of the grounds of complaint against the mother country, these allegations: "by prompting our negroes to rise in arms among us; those very negroes whom, by an inhuman use of his negative, he has refused us permission to exclude by law." This clause was originally draughted by Mr. Jefferson. Its existence is against the policy and principles of this Government, and as the gentleman from Massachusetts (Mr. FOWLER) has shown, its final extinction was looked to by our ancestors at some future and no very distant day. It is opposed to the avowed sentiments of the Declaration of Independence. In the Constitution of the United States, the word slave is expressly and intentionally excluded; and although, for certain specified purposes, slavery is referred to in that instrument, because the local laws of some of the States recognised it, still, as Mr. Madison said, he "thought it wrong to admit in the Constitution the idea that there could be property in men," it was not recognised in it. Mr. Gerry also said, "that the Convention had nothing to do with the conduct of the States as to slaves, but ought to be careful not to give any sanction to it;" 3d Mad. papers, 1429 and 1394. This government was not formed to protect, cherish, and extend slavery. It was created "in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Freedom was the principal object in the formation of this government. Knowing it to be a great evil, not only from the declarations of statesmen of the past and present generations, who lived, and still live in its midst, but also from facts themselves, which cannot deceive, would it be patriotic and just in us, the Representatives of a great nation, to permit it to be extended into Territory now free? I desire to make no invidious comparisons between sister States, but in stating what is stated in the tables below, I am founding an argument upon the position just taken. Facts speak more emphatically than words. Why is it then, sir, that the free States excel the slave States in national wealth, prosperity, and education? Virginia, with a more genial climate, a naturally more fertile soil, and with water power as great, if not greater, than that of New York, is still far behind her in population, education, agriculture, commerce, and manufactures. Ohio, which is separated by the noble river which bears its name from Kentucky, is far in advance of her sister State, in the same elements of national greatness, though Kentucky has the same natural advantages that Ohio possesses.

I have taken some pains to compile these tables, and I believe them to be correct. Let the comparisons speak for themselves, without remarking upon the details contained in them.

STATISTICAL TABLES.

TABLE 1.

NEW YORK	VIRGINIA	EXCESS.
Has territory, sq. miles.....46,000	Has territory, sq. miles.....61,352	15,352 Va.
Population in '40.....2,428,921	Population in '40.....1,239,797	1,189,124 N. Y.
Product in '40.....$193,806,433	Products in '40.....$76,769,053	$117,037,380 "
Production to each individual....$79 79	Production to each individual....$61 92	$18 "
Cost of State Gov't.....$750,000 00	Cost of State Gov't, '48.....573,324	$176,676 "
Members of Congress.....34	Members of Congress.....15	19 "
Scholars in com. schools.....502,367	Scholars in com. schools.....35,331	467,036 "
Do. in academies.....34,715	Do. in academies.....11,083	23,632 "
Do. in colleges.....1,285	Do. in colleges.....1,097	188 "
White persons over 20 who cannot read or write..... 44,452	White persons over 20 who cannot read or write..... 58,783	14,331 Va.
1 to 54 of the white population.	1 to 21 of the white, and of the whole population 1 to 12.	
	Virginia to be equal to New York, should have had in her common schools in '40, 256,423 instead of 35,332.	
Presidential vote in '44.....470,062	Presidential vote in '44.....93,084	376,978 N. Y.
In '44 New York had 5 times the number of voters that Va. had, and still Va. had nearly half the number of Reps. on this floor.		
New York in '20 employed in agriculture 247,648	In '20, employed in agriculture...276,422	28,774 Va.
In '40 had.....455,954	In '40 had.....318,771	137,183 N. Y.
In '98, value of land.....$100,380,707	In '98, value of land 71,225,127	29,155,580 "
In '39 " " 519,058,782	In '39, " " 211,930,538	307,128,254 "
New York has about $\frac{1}{3}$ less territory, and at same time her territory is valued $2\frac{1}{2}$ as much as Virginia.		
Population in 1790..... 340,120	Population in 1790..... 748,308	408,188 Va.
Do. in 1800..... 586,756	Do. in 1800..... 880,200	293,444 "
Do. in 1810..... 959,949	Do. in 1810..... 974,642	14,693 "
Do. in 1820.....1,372,812	Do. in 1820.....1,065,379	307,433 N. Y.
Do. in 1830.....1,918,608	Do. in 1830.....1,211,505	607,105 "
Do. in 1840.....2,428,921	Do. in 1840.....1,239,797	1,189,124 "
Slaves in '40.....4	Slaves in '40 448,987	
Free colored.....50,027	Free colored.....49,839	
1840, white population.....2,378,890	In '40, white population 740,971	1,637,919 "

TABLE 2.

OHIO	KENTUCKY	EXCESS.
Has territory, sq. miles.....39,964	Has territory, sq. miles.....37,680	2,284 Ohio.
Acres.....25,576,960	Acres.....24,115,200	
Population in 1840.....1,519,467	Population.....779,828	739,639 Ohio.
Products.....$63,906,678	Products.....$38,624,191	$25,282,487 "
Products to each individual.....$42	Products to each individual.....$49	$7 Ken.
Cost of State Gov't.....$213,000	Cost of State Gov't, 1848.....$250,000	$37,000 Ohio.
Members of Congress.....21	Members of Congress 10	11 "
Scholars in public schools 218,609	Scholars in public schools.....24,641	193,968 "
Do. in academies.....4,310	Do. in academies.....4,906	596 Ken.
Do. in colleges.....1,717	Do. in colleges.....1,419	298 Ohio.
Presidential vote in '44.....304,174	Presidential vote in '44.....113,242	180,932 "
Persons over 20 who cannot read or write.....35,394	Persons over 20 who cannot read or write..... 40,018	4,624 Ken.
1 to every 42.	1 to every 14 whole population.	
Ohio has nearly 3 times as many voters as Kentucky, still Kentucky has $\frac{1}{2}$ as many representatives.		
1790—Population not enumerated.....	1790—Population..... 73,077	
1800 " 45,365	1800 " 220,955	175,590 Ken.
1810 " 230,760	1810 " 406,511	175,751 "
1820 " 581,434	1820 " 564,317	17,117 Ohio.
1830 " 937,903	1830 " 687,917	249,986 "
1840—Slaves, none.....	1840—Slaves. 182,258	

STATISTICAL TABLES—*Continued.*

TABLE 3.

MASSACHUSETTS	SOUTH CAROLINA	EXCESS.
Has territory, sq. miles.....7,250	Has territory, sq. miles.....28,000	20,750 S. C.
Population in '40.....737,699	Population in '40.....594,398	143,301 Mass.
Products in '40.....$75,470,297	Product in '40.....$27,173,536	$48,296,761 Mass.
Product to each individual.....$102	Product to each individual.....$45	$57 Mass.
Cost of government.....$450,000	Cost of government, '48.....$115,000	$335,000 "
Members of Congress.....10	Members of Congress.....7	
Scholars in common schools.....160,257	Scholars in common schools.....12,520	147,737 "
Do. in academies.....16,746	Do. in academies.....4,326	12,420 "
Do. in colleges.....769	Do. in colleges.....168	601 "
White persons over 20 years who cannot read or write.....4,448	White persons over 20 years who cannot read or write.....20,615	16,167 S. C.
Has 1 to 165 who cannot read or write.	Has 1 to every 12½ whites who cannot read or write.	
Slave—none.	Total number of slaves.....327,038	
Gave in 1848, 134,409 votes, which is about one to every 5½ of her inhabitants.	At the same ratio of her white population, she would have 46,792 voters, or about ⅓ as many as Massachusetts.	

TABLE 4.

NEW JERSEY	ALABAMA	EXCESS.
Has territory, sq. miles.....6,850	Has territory, sq. miles.....50,722	43,872, nearly 7 times as large.
Population in '40.....373,306	Population in '40.....404,980	31,674 Ala.
Products in '40.....$29,672,426	Products in '40.....$28,961,325	$711,101 N. J.
To each individual.....$79	Product to each individual.....$49	$31 "
Cost of government.....$117,000	Cost of State government, '48...$120,000	$3,000 Ala.
Members of Congress.....5	Members of Congress.....7	
Scholars in common schools.....52,583	Scholars in common schools.....16,243	36,340 N. J.
Do. in academies.....3,027	Do. in academies.....5,018	1,991 Ala.
Do. in colleges.....443	Do. in colleges.....152	291 "
White persons over 20 who cannot read or write.....6,385	White persons over 20 who cannot read or write.....22,592	16,207 Ala.
Has 1 to 55 who cannot read or write.	Has 1 to every 15 who cannot read or write.	
	Alabama to equal N. Jersey, should have had in her common schools in '40, 56,973 instead of 16,243.	

New Jersey, in 1848, gave 77,735 votes; at the same time Alabama gave 61,845, being less than New Jersey by 15,490, and still Alabama has 7 Representatives, and New Jersey only 5, upon this floor.

In the above I have not embraced in detail statistics of agriculture, commerce, and manufactures, as it would have occupied too much space.

If these facts are attributable to the existence of slavery—and many of the statesmen of Virginia have so declared as regards their own State, and it no doubt is equally true in respect to the other States—ought we not, as wise and prudent legislators, to see, in forming new States for the hundreds of thousands who will hereafter inhabit them, that we lay their foundations broad and deep in the affections of the people and especially that we preserve them from the withering influences of this institution. If we were regarded as the pioneer, the model, the exemplar in all that was truly great and noble—if we were looked up to and quoted as being distinguished in all that could elevate and dignify human nature, how gratifying would it be to us as Americans! On the contrary, if we, the great Republic, the nation most noted for our devotion to liberal sentiments, should be instrumental in extending slavery, what would be the judgment of the civilized world upon our conduct? For, after all, individuals are, and nations should be, controlled by a sound and healthy public opinion; for when either individuals or nations "cease to regard the good opinion of the world, they cease to deserve it." How truly appropriate would be the

language of Mr. WEBSTER, to our nation, as applied to Austria and Russia, if slavery is extended by its agency to this newly acquired territory!

"There is something on earth greater than arbitrary or despotic power. The lightning has its power, and the whirlwind its power, and the earthquake its power; but there is something among men more capable of shaking despotic power than lightning, whirlwind, or earthquake. That is the threatened indignation of the whole civilized world."

A gentleman from Louisiana (Mr. CONRAD) read an extract from reconnoissances in California and New Mexico, by Emory, Abert, and Cook, which went to show that nature had settled the question of slavery, and that the climate and the soil were both unfavorable to its introduction. He considered it an abstraction. Then certainly he, and those who agree with him, can have no objection to vote for its prohibition. Gentlemen have in such cases voted for a bill containing the ordinance of 1787. On the passage of the Oregon bill, the names of several Southern gentlemen, including the speaker of this House, are recorded in favor of the measure.

I do not agree with those who consider it an abstraction, and several Southern gentlemen coincide with me in opinion. Mr. Meade, of Virginia, said:

"But for fear of robbery under the forms of law, there would be at least fifty thousand slaves in California by the 1st of December. It is the best field for such labor now in America, and it would be invaluable to us as a means of thinning the black population. When people say that the climate and productions are unsuited to slave labor, they are endeavoring to deceive, or are deceived themselves."

Mr. CLINGMAN, of North Carolina, said:

"I may remark further, that, but for the anti-slavery agitation, our Southern slaveholders would have carried their negroes into the mines of California, in such numbers, that I have no doubt but that the majority there would have made it a slaveholding State. We have been deprived of all chance of this by the Northern movements, and by the action of this House, which has by Northern votes, repeatedly, from time to time, passed the Wilmot proviso, so as in effect to exclude our institutions without the actual passage of a law for that purpose."

Mr. MASON, a Senator from Virginia, on the 25th of April last, declared in his place that—

"He denied that slavery was excluded by the laws of nature from the Territories. He contended that, if the agitation had not continued in Congress, thousands of Southern men would have gone there with their slaves. He showed that in the California convention free negroes were excluded because it was shown that, if blacks were allowed to live there, slavery would come there; that masters, in consideration of the immense value of the labor of their slaves, would enter into contracts to liberate their slaves after one or two years; that the labor of a slave, which in the Atlantic States would be worth a hundred and fifty dollars a year, would be worth in California five or six thousand dollars."

According to these statements, slave labor would not only be profitable, but the value of the slaves would be very much enhanced. It is not limited to climate or place, as all history and experience show. But it is said that it is unnecessary to re-enact a law of God. I must differ with those who make this assertion. It is a guide that never fails, a polar star that is always visible, an unerring director under all circumstances and in every emergency. Why should we not re-enact it? We embody portions of the moral code in our penal statutes, such as the prohibition of murder, theft, and perjury; and I think that the ordinance of '87 should be contained in any territorial bill that is passed. Is it not right to imitate the example of our revolutionary fathers? They devoted the Northwestern Territory to freedom before this Constitution was adopted. That was ceded by New York, Massachusetts, Connecticut, and Virginia, to the Federal Government; and shall we not protect territory now free? The shades of those departed patriots, would rise up and condemn us, if we were recreant in the discharge of this duty. But it is said that, if the ordinance was passed, it would affect Southern *honor*. Their *honor*, in this particular, is riddled as much as a target, that has been all over perforated with balls. It is too late to make that objection now, when acts have so often been passed containing the ordinance. It was passed in '87. It is recognised judicially; and in each case where a territorial government has been formed, and the ordinance was included, it is sanctioned by the legislature. So that *honor*, here, is no more than "a sounding brass or a tinkling cymbal." But, sir, have Northern men no

honor? Is there no principle involved in their opposition to the "peculiar institution?" We have been taught by illustrious Southern statesmen that it is blighting in its effects upon the soil, and that its influence, both upon the master and the slave, are anything but beneficial. Yielding to the force of these instructions, the Northern States abolished slavery, because they deemed it a great moral and political evil. Holding, as we do religiously, to these opinions, how can we, how dare we, without the sacrifice of a great principle and the infliction of dishonor upon the national escutcheon, consent to or suffer its extension? On the part of the free States, both honor and principle are involved—national honor and a great national principle; on the part of the slave States, neither the one nor the other, except as they compose an integral part of the nation.

It is even said, sir, that this measure is urged to taunt and insult the South. I tell gentlemen, we have no such intention. Nothing is further from our thoughts. If I should entertain a friend with all the cordiality and hospitality that I could extend to him, and he should report that I had insulted him, it would not more surprise me than I am at being told that the passage of the Ordinance of 1787 would be an insult to the South. It is called an odious measure, and those who advocate it are termed fanatics and abolitionists. Why, sir, it has an honorable parentage, and most revered and glorious associations. When it is reviled, traduced, and slandered, those who make the charges forget who were its authors, and only utter sentiments derogatory to themselves as Americans and to their institutions.

Sir, the Missouri compromise, which is so often quoted by Southern gentlemen, proves the doctrine and position for which we contend. It is a re-enactment of the odious, the despised, the revolutionary ordinance. The proposition itself, upon its mere statement, is an assent to the constitutionality of the measure, and of the entire and undoubted authority of Congress to legislate upon the subject of slavery. It requires, then, no argument, no reference to legislative precedents or judicial decisions, to establish the right and power of Congress to control this question. It says, there shall not be slavery north of a certain line; and there may, or may not, be south of it, as the people below that line shall determine.

If any question ever was settled by legislative, executive, and judicial precedent, the Ordinance of 1787 is established on the surest and safest foundations. I will not go into an argument to establish that point, as it has been so often and so ably done; but will content myself with quoting what the great statesman of Kentucky said upon the right of Congress to legislate upon slavery without the States:

"But I must say, that when a point is settled by all the elementary authorities, and by the uniform interpretation and action of every department of the Government—legislative, executive, and judicial—and when that point has been settled during a period of fifty years, and never was seriously disturbed until recently, I think that if we are to regard any thing as fixed and settled under the administration of this Constitution of ours, it is the question which has been thus invariably and uniformly settled. Or are we to come to the conclusion that nothing, nothing upon earth, is settled under this Constitution, but the principle that every thing is unsettled?"

The immediate question before the committee, Mr. Chairman, is the admission of California as a State. The Constitution of the United States settles the question of right. Congress may admit new States into the Union. The gentleman from South Carolina, (Mr. Colcock,) who has just taken his seat, says that there have been usurpations and irregularities preliminary to the formation of the constitution of California, which will prevent him from giving it his support. These objections, as well as all others that have been made, address themselves to the discretion of Congress and to the expediency of the measure. The right to admit new States is undoubted; it cannot be questioned. Besides the authority of the Constitution, we have precedent upon precedent to establish it. Eight States have been admitted without the previous authorization of Congress: Vermont in 1791, Kentucky in 1792, Tennessee in 1796, Maine in 1820, Arkansas in 1836, Michigan in 1837, Florida in 1845, and Iowa in 1846. The cases of Tennessee and Michigan were well explained by the gentleman from Missouri, (Mr. Hall.) He showed that there were great irregularities in those instances, and still they were admitted as

States. At the last meeting of the Tennessee Historical Society, Professor Cross read a paper on "the admission of Tennessee into the Union," in which he corrected, on the authority of Roulstone's Statutes, and other evidences, the position taken by Mr. Calhoun in the Senate, when he said that California should be remanded back to her territorial condition, "as was done in the case of Tennessee." He showed that the first session of the General Assembly of Tennessee was begun and held at Knoxville on Monday, the 28th of March, 1796, and that it adjourned on the 20th of April of the same year. The act for the admission of Tennessee passed Congress on the 1st June, 1796; so that the Assembly commenced its sessions full two months, and closed more than a month, before Congress invested her with the attributes of sovereignty. Is not California more entitled to admission than Texas was? Texas was an independent, a foreign State; not so with California; she has been placed in this position by our refusal to create a territorial government. Can any of the evils which have resulted from the annexation of Texas be likely to result from the admission of California? All the troubles and difficulties which were foretold by us, as the inevitable consequences of the annexation of Texas, have come to pass. Prophecy is now history. Such results will not flow from the admission of California. None such are predicted; none can be.

A gentleman from North Carolina, (Mr. CLINGMAN,) remarked "that the idea that the conquered people should be permitted to give laws to the conquerors, is so preposterously absurd that he would not argue it." I deny the position. It is not so. It is the conquerors who ask for admission. Our own countrymen, our fellow-citizens, who have been reared amongst us, and are acquainted with our institutions, ask to be united with us, and to make one more State in our present glorious galaxy. What are the facts? Out of 15,000 votes polled, 12,061 were cast for the constitution, not a single one of which, it is believed, was a foreign vote. Of the votes so cast for the constitution, 10,700 were Americans, and 1,300 Californians. Three classes of persons were permitted to vote. 1st, American citizens; 2d, those Mexicans who had elected to become American citizens under the treaty; and 3d, Mexican citizens who had been obliged to leave their country because they favored the American cause. These are the outlaws, this is the population, these are the foreigners, that have been so much abused in these Halls as incapable of self-government, and who were not worthy of an admission into this Union. Of the delegates chosen to the convention who framed their constitution, 13 were from the slaveholding States, 12 were Californians proper, and 21 were Northern men. These facts are collected from good authority. The same authority says, that two-fifths of those who voted for the constitution were from the slave States; that public opinion was not forestalled, but that the constitution is "the honest expression of a public opinion, founded in reason, reflection, and deliberate judgment."

What then becomes of all the charges that have been made against the President of the United States? A man whose whole life and character justify me in saying, that he is as honest and patriotic as he has shown himself to be brave and determined—a man of strong, native intellect, of integrity of purpose, and purity of life and conduct; as pure a patriot as, in my humble opinion, ever adorned the annals of this or of any other nation. His character, like that of the good knight Chevalier Bayard, is "sans peur et sans reproche."

The presumptions are against the charges, that General Taylor interfered in the adoption of the constitution of California. He is a slaveholding President; the majority of his Cabinet are from the slaveholding States; the agent he sent to California is a slaveholder, and the Representatives from California, who now ask admission, are politically opposed to him. When such grave charges are made, they should rest upon something more than belief or conjecture; until they do, what has been said is sufficient to convince every unprejudiced mind that there is no truth in them, and they must recoil with peculiar force upon those who make them.

What is then the objection, Mr. Chairman, to the admission of California, separate, distinct, and independent of every other measure? It is because she comes

with the mark of freedom on her brow, and with the wreath of freedom around her temples. It is slavery that opposes her admission. In the 19th century, in this Republic, which claims to be the freest of the free, which was established to secure the blessings of liberal institutions to us and to ours, slavery intervenes and claims her share of the territory, and in full view of the civilized world, and in despite even of some good examples in heathen lands, insists that she must have it, or disunion must inevitably follow. Slavery overrides every other question, prevents and delays, I may say almost entirely blocks up, the ordinary legislation of the country. It is the cause of our having done virtually nothing for the past six months. On its account the postage bill, the internal improvement bill, the tariff bill, and other bills that demand the speedy action of Congress, languish and remain unreported. It, as my colleague (Mr. BENNETT) has justly remarked, is the only interest that is united, and that exerts a controlling influence in the Government. Three hundred thousand slaveholders, or less, are striving to dictate to the millions of freemen scattered through out the nation It is even threatened that California shall not be admitted alone, but that territorial governments must be formed, embraced in the same bill, and passed at the same time. Hear what the Father of his Country again tells us: "All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design, to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive to this fundamental principle and of fatal tendancy. They serve to organize faction, to give it an artificial and extraordinay force; to put, in the place of the delegated will of the nation, the will of a party, often a small, but artful, enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration, the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests."

Here, sir, we are met with the charge, that this is an aggression of the North, and it must be checked. The North has aggressed, not from the foundation of the Government, but certainly for fifteen years past and more. Every loss of a slave, and every circumstance connected with his escape, is repeated and reiterated, enlarged, magnified, and charged upon the whole North. All these charges, and all this tumult, noise, and disturbance, are a *ruse de guerre*, calculated for effect, and intended to secure an object. A military commander, when he has an important point to carry, very often makes a feint, in order to deceive the enemy, by marching a considerable number of his men to a certain spot, with a view of distracting his opponent's attention from the real point of attack. So it is with Southern gentlemen at this time. They are like the "ignis fatuus," "which leads to bewilder, and dazzles to blind." They intend, in this way, to wring from us some portion of the acquired territory. We are all fanatics, abolitionists, ultraists, enemies of the South, because we wish to admit California as she is, and to exclude slavery from the Territories. In this manner, by "carrying the war into Africa," as they are good tacticians, and all well skilled in political manœuvring, they expect to gain their object; and "having managed to control the destinies of the nation" heretofore, as a gentleman from Virginia (Mr. MEADE) said, on account of their superior abilities and information; they can and will outmanage us again, in this instance, and so add another to the many aggressions of the North. It remains to be seen, whether they will be as successful in this contest, as they have been heretofore.

Let us look at some of the other aggressions of the North, and see whether there is ground for the indictments, that are continually brought against it. I admit that slaves escape, and that there is a difficulty in reclaiming them. This must, of necessity, be the case, from the nature of the property. Slave and free territory being contiguous, slaves must and will escape, and be enticed away. I deny that there is any combined, systematic plan at the North, by which it is understood that the Constitution shall be trampled under foot and disregarded, in this or any other par-

ticular. We wish to adhere to all the requirements of the Constitution. This is the only real ground of complaint the slaveholding States have against the non-slaveholding States. The latter have also just cause of complaint against the former, by reason of the capture and imprisonment of free persons of color.

Let us now look, sir, at another aggression of the North. How is it with the slave-trade in the District of Columbia? The North has had the majority in the national councils for a number of years; has it been disturbed? When my colleague (Mr. GOTT) introduced his resolution, looking to the abolition of the traffic in slaves in this District, he was denounced as an agitator and a disorganizer, although he said nothing more, nor indeed as much, as John Randolph, (a favored son of Virginia,) and other Southern gentlemen had done, on the same subject.

Gentlemen of the South, you despise it in your consciences as much as we do. You will not associate or be connected with, an individual who is avowedly and professedly a dealer in human flesh. You loathe him, you detest him, as sincerely and as heartily as we do. It is a stench in your nostrils, as much as it is in ours; and one of your own Senators said the other day, unless it was abolished, it would make the holding of slaves as disreputable as the slave trade itself. But here it is in our midst, and exists by our sufferance, though other nations, even in Asia, are abolishing it. Is this an aggression?

Let us look at another aggression of the North. At the adoption of the Constitution, the free States, or those which are now called so, had 17,815 square miles more of territory than the slave States. Since that time Louisiana, Florida, and Texas have been acquired, and States created out of them. Free territory has also been dedicated to slavery. Six beautiful counties, by the law of 1836, were added to Missouri, called the Platte country; 100 miles of it, on a straight line, was abolished and a new line substituted, nearly 300 miles long on its two sides, cutting deep into free soil and converting it into slave territory. And now how stand the figures?

Slave States	759,417 square miles.
Non-slave States	454,340 " "
Excess in favor of slave States	305,077 square miles.

Or,

Slave States	486,026,880 acres.
Non-slave States	290,777,600 "
Excess in favor of slave States	195,249,280 acres.

Slave foreign territory, including Texas, with proper bounds	373,786
Non-slaveholding " Iowa	50,914
Excess of slave territory	322,872 square miles.

In the slave States, estimating 7,000,000 inhabitants, there are 9 to every square mile. In the non-slaveholding States, estimating 13,000,000 inhabitants, there are 28 to every square mile. And now, when a free State, the second free State, from territory acquired from a foreign power, applies for admission to the Union, we are met with the cry of aggression. Has the North acted in this spirit, when the South has dedicated territory, purchased by the common treasure, to their own peculiar institution? Has the admission of any State been resisted as California has been?

Look also at the offices and patronage of the Government, and see how they have been dispensed. I speak in no sectional spirit, and I do not wish to be at all captious on this point; but I refer to it on account of the charges that are continually hurled upon the North, and, as I believe, without foundation.

I ask leave to quote an extract from the Charleston Courier of 30th October, 1844:

"Our past experience has shown that the weight of the South has been heavily felt in the political balance, and has almost always monopolized high federal office.

"The Southern or slaveholding States have given six out of ten Presidents to the Union; the Northern or non-slaveholding States have given but four, and out of these four the two last were chosen

by a large majority of Southern votes, and the last was a native Virginian, filially devoted to the rights and interests of the land of his birth; and even the two first enlisted a strong Southern support.

"Again, of the six Southern Presidents, five were re-elected to their high offices, and each occupied it for eight years, and only one will have occupied it but four years, giving in all to the slaveholding interest the possession and control of the Presidency for forty-four years out of fifty-six; while of the four non-slaveholding Presidents three occupied the Presidency but four years each, and one only a little month, giving in all to the non-slaveholding interest the possession and control of the Presidency for only twelve years out of fifty-six.

"So of the Chief Justices of the Union: the South has had three, and the North but two, out of the five incumbents of that august judicial seat.

"At this moment, (October 30, 1844,) the Southern or slaveholding interest enjoys a monopoly of high federal office, executive, judicial, legislative, military, and naval. John Tyler, of Virginia, is President; and his Cabinet consists of John C. Calhoun, a South Carolinian, Secretary of State; George M. Bibb, a Kentuckian, Secretary of the Treasury; John Y. Mason, a Virginian, Secretary of the Navy; Charles A. Wickeliffe, a Kentuckian, Postmaster General; John Nelson, a Marylander, Attorney General; and William Wilkins, of Pennsylvania, the single exception on the list, Secretary of War; Roger B. Taney, a Marylander, is Chief Justice of the United States; Willie P. Mangum, a North Carolinian, is President of the Senate; and John W. Jones, a Virginian, is Speaker of the House of Representatives; and Southern men stand at the head of the most important committees of both branches of Congress; Winfield Scott, a Virginian, is major general of our army; and James Barron, a Virginian, senior officer of our navy; and, to crown all, Henry Clay, a Kentuckian, is the Whig, and James K. Polk, a Tennessean, the Democratic candidate for the next Presidency—securing to us the future as well as the past.

"If this be not the lion's share of political power, words have lost their meaning; if this be not enough to satisfy the South, she must be insatiable indeed."

What was true then, is true now, with some variations. The slave States have held the Presidency, including the present term, for fifty-two years; the free States only twelve. Of the gentlemen who have filled the Department of State, fourteen have been from the slave States, and five only from the free States. The South has had thirteen judges of the Supreme Court, and the North or free States twelve. Of the Speakers of this House, twelve have been from the slave States, and eight from the free States; and so with many other offices that I could mention. The slave States, with less than one half the population of the free States, have now, and always have had, a majority of the judges of the Supreme Court. The South is never satisfied; but, like the horse leech, she cries "give, give." Not content with suffering slavery to remain where it is, she wishes to appropriate more free territory to her own use, to force it where it is not wanted. It is said that our opposition to its extension is evidence that we wish to abolish it within the States. I deny the statement, and demand the proof. I should suppose that its area was sufficiently extensive to satisfy its warmest advocates. In conclusion, Mr. Chairman, upon this part of the subject, I would ask, can any act be found upon our national statute book, in which an attack has been made upon the South—upon Southern rights or Southern interests? If such an one exists, I am ignorant of it.

What is meant by the *equilibrium*, that has become so notorious? It means that the slave power of the nation should have the political control of the nation, not only now, but in all time to come. Nothing more, nothing less. The contest of the South is for political ascendancy. To maintain and secure that ascendancy in the national councils, it was intended that the most of this newly acquired territory should be devoted to slavery. The "poisoned chalice" that was meant for the non-slaveholding States to drink, is now commended to the lips of the South. No, I will not entertain the opinion. For them, it cannot be called a poisoned cup. It is the cup of freedom; and I hope that by freemen, it will not be considered a bitter draught. I trust that the territory now free will continue so forever. It shall not become otherwise by my vote.

Sir, "westward the star of empire takes its flight"—California extends her hands to us, and asks us to receive her as one in our midst, as one of the States of the Union. Ought we not to grant her request? Immediately to admit her into our family, and to bid her welcome. She is within hailing distance of the eastern continent, and she asks of us, that we will join with her in extending to the islands of the sea, over against her, and the nations of that continent, the blessings we now enjoy. We are indebted to the old world for the arts, the sciences, the religion we

now possess. We may now, in some small degree, repay that indebtedness by disseminating among those islands, and the governments on the main land, the principles of pure unadulterated American liberty. These principles may yet pervade the world, if we remain true to ourselves and to our republican form of government. California and Oregon being, in part, the medium of communication between us and the inhabitants over against them, may reflect upon them the sentiments which we now entertain, and cause the Russian empire, through all its dependencies and the countries adjacent to it, to become what we now are, confederated republican States. Let us be true to our own destiny, and to the blessings that Providence has in store for us.

As the vestal virgins, with so much care, anxiety, and vigilance, watched over the sacred fire which burned on the altar of *Vesta*, by day and by night, let us, who have bequeathed to us the precious legacy of the holy fire of American liberty, be instant, in season and out of season, in preserving it. Let us always keep the flame alive and burning; and may the individual who would extinguish it, or suffer it to die out for want of nourishment, be punished, not as the offending virgins were by scourging, but by the *scourge* of public opinion, heaped upon him during his life, and upon his memory in all future time.

30 18

PRESIDENT'S PLAN.

SPEECH

OF

HON. E. G. SPAULDING, OF N. YORK,

IN FAVOR OF

Gen. Taylor's Plan for admitting California and New Mexico, and contrasting the Chicago Convention with the proposed Nashville Convention.

Delivered in the House of Representatives of the United States, April 4, 1850.

The House being in Committee of the Whole (Mr. BOYD in the Chair) on the President's California Message,

Mr. SPAULDING said—

Mr. CHAIRMAN: If the Committee were now ready to proceed to a vote on the bill providing for the admission of California, I should feel much more inclined to *act* than to *talk;* but as there is no probability of immediate action, I will venture to make a few remarks, looking to practical results, without attempting a full discussion in detail of the institution of slavery. I shall confine myself mainly to the admission of California, and the present situation of New Mexico, with some incidental remarks respecting the improvement of harbors and rivers, reserving whatever I may have to say on other topics, connected with the present slavery agitation, until they come before us in a shape to require practical legislation.

I have looked over the various plans for disposing of the vexed question which now agitates the public mind, and have come to the conclusion that none of them is more feasible than the one recommended by General Taylor in his California message, submitted to this House January 21, 1850. His plan appears to me to be constitutional, national in its character, and republican in its execution. It is a broad platform on which the North, the South, the East, and the West, may all stand, without any sacrifice of feeling, or compromise of principle. It is based upon the great fundamental principle on which this Government rests, *that man is capable of self-government;* that the people may mould and fashion their own local laws and institutions to suit themselves. It is that right inherent in the people, and which is so broadly asserted in the Declaration of Independence.

The domain, the title to the public lands, and the sovereignty over it for national purposes, belong to the United States. The establishment of post offices and post roads, the construction of piers and light-houses, the enactment of revenue laws, the establishment of circuit and district courts, the surveying and sale of the public lands, and all other objects of national legislation, can be performed by Congress now, the same as in any other portion of the country belonging to the United States, and without waiting for the organization of either State or territorial governments. Post offices and post roads have already been established in California, in pursuance of an act of Congress passed in August, 1848. At the last session of Congress, the revenue laws of the United States were extended over California. The same may be done in regard to New Mexico and Deseret, leaving the people there to establish their own State constitutions and governments, and apply at the proper time for admission as States.

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The Constitution provides that "new States may be admitted by Congress into the Union." This is a comprehensive power, easily understood, and can be practically applied to all the territory acquired from Mexico, as soon as there is a sufficient number of inhabitants residing there to warrant it.

The main feature of General Taylor's plan is to admit all the territory *as States*, under this provision of the Constitution, as fast as the people residing there desire to come into the Union in that form, and have the requisite population.

In the few remarks which I shall submit to the committee, it shall be my aim to speak as a national Representative, feeling the obligations of the Constitution resting upon me to support the National Government under which we live, as well as the rights of all the members here assembled.

I do not regard the Constitution as a compact, an agreement, a copartnership, or a confederation of States, but as a *government*—a fundamental law, a rule of action, by which each one of us, and all of us, acting together, are bound to obey; and within the powers granted by it, I regard the people of this nation, irrespective of State boundaries, individually and collectively bound to support this Constitution and Government, and to maintain it at all hazards. We are one people, one country, having mutual interests, reciprocal duties, and a common destiny. Sir, I claim no rights that I do not cheerfully yield to every member on this floor; I will vote for no legislation which I deem unconstitutional, and none which I think will not be beneficial to the whole country.

Before proceeding to the consideration of the practical question now before us, I will notice some attacks which have been made upon the President in the course of the debate. Sir, the honorable gentleman from Mississippi, (Mr. McWillie,) the honorable gentleman from Ohio, (Mr. Disney,) and several other gentlemen on this floor, have stated that during the late presidential campaign General Taylor was represented at the North by the Whig party as being in favor of the Wilmot proviso, and at the South as being opposed to it; and that by this species of fraud and misrepresentation, that party succeeded in placing him in the elevated and responsible position he now occupies.

Mr. Disney says: "The present Executive has been pledged for the proviso as against it in the South, but as in favor of it in the North; and my constituents believe that this was an atrocious fraud; they think that its exposure is demanded by the highest interests of the Republic; and they say to me that, though Congress may have no legal power to make such a provision an effective law, yet

'Wrest once the *law* to *our* authority
To do a great right, do a little wrong,'

and bring these pledges to the test; not to give the sanction of Congress to the proviso; not to sanction it by my vote, but as the means to accomplish the object which they avow."

These assertions have been made so often, and so often repeated in and out of Congress, that I have no doubt many honest and well-meaning people, both North and South, believe them to be true; but I can assure the honorable gentleman that nothing can be further from the truth, especially at the North.

We relied much upon General Taylor's high character for capacity, integrity, and the distinguished fidelity with which he had served the country, being equal to every position, however trying, he had been called to fill; but we could point with much satisfaction to his published letter to Captain Alison, of the 22d April, 1848, as the platform on which we could rely for non-interference in regard to the rights and duties of Congress to legislate on all subjects of domestic policy.

He had in that letter very explicitly declared his views in relation to the Executive veto. I now read from that letter as follows:

"The power given by the Constitution to the Executive to interpose his veto, is a high conservative power, but in my opinion should never be exercised except in cases of clear violation of the Constitution, or manifest haste and want of consideration by Congress. Indeed I have thought that, for many years, the known opinion and wishes of the Executive have exercised an undue and injurious influence upon the legislative department of the Government, and for this cause I have thought our system was in danger of undergoing a great change from its true theory.

"The personal opinions of the individual who may happen to occupy the Executive chair, ought not to control the action of Congress upon questions of domestic policy, nor ought his objections to

be interposed where questions of constitutional power have been settled by the various departments of the Government, and acquiesced in by the people."

This letter was spread far and wide over the whole country. At the North it was held up in all the political gatherings, on the stump, in public and in private, as containing sound principles; and his friends insisted, that if he should be elected President, *his personal opinions would not be exercised to control the action of Congress on measures of domestic policy;* and that whatever might be his private views, as a slaveholder, in regard to the extension of slavery, we did not believe he would interfere to prevent any constitutional action of Congress on that subject. He was not represented as opposed to, or in favor of, the Wilmot proviso, but as being willing to let Congress legislate on that subject as they might deem best for the whole country, or not at all, if that was most desirable.

In my section of country, too, we wanted no more arbitrary vetoes to control and stifle the will of the people, as expressed through their Representatives in Congress, in relation to the improvement of harbors and rivers.

During the late Administration, bills had passed both houses of Congress for these improvements by large majorities, and which were greatly needed to protect and foster the commerce of the country, and the lives of the mariners engaged in it; but, in every instance, all such bills had been either vetoed or pocketed by the late President.

I thank God that the day of arbitrary vetoes has passed; that the tyranny of Executive dictation and usurpation has come to an end; and that the will of the people, constitutionally expressed, can now be carried into effect. It is cause of congratulation that we have a President who will regard the Constitution, not as a negation, or an idle piece of parchment, but as possessing vital power, which this Government is bound to enforce with energy, to promote the general welfare of the people, and develop and foster the great interests of commerce, agriculture, and manufactures throughout our widely-extended country.

The constitutional power and duty of the General Government, to appropriate money from the national treasury for the improvement of rivers, lakes, and harbors, in all cases where such improvements are necessary to the facility or protection of commerce, either with foreign nations or among the States, has been so clearly demonstrated, and the expediency and necessity of exercising such power so fully shown by recent manifestations of the people, that it only remains for Congress to reduce the subject to a *permanent system*, and then to pass the necessary laws to carry it into practical operation.

Notwithstanding large sums have been from time to time appropriated, and beneficially expended for these objects, yet it has not been characterized by as much system and permanency as most of the other duties that have devolved upor the Government. Annual appropriations are made for the support of Government, including the army and navy. These are necessarily permanent and indispensable, and without which the wheels of Government would stop. To be effectual, the appropriations for harbor and river improvements should be as systematic and permanent as the annual appropriations for the support of Government. None but necessary *national works* should be adopted by Congress; but when once adopted, there should be, and is, a responsibility resting upon the Government which should not be overlooked, even if there is afterward a change of the Administration.

Every Government work is adopted with a view to accomplish some beneficial purpose, requiring in most cases several years to complete it, and often extending through several changes of the Administration. Before an improvement of this kind can be commenced to advantage, it is obvious that there must be a large outlay for necessary materials, tools, and machinery, to prosecute the work. If a river is to be cleared of snags, the necessary snag-boats must be procured; if a bar is to be removed, dredge-boats are necessary; if a pier or breakwater is to be constructed, tools and machinery must be procured. No work of this kind ought to be adopted or commenced without pledging the faith of the Government to make

specific annual appropriations to complete it in as short a time as can be done with prudence and economy. No other course will give permanency to the system, and without permanency, the labor and money expended by one Administration is liable to be lost by the tyranny or caprice of the one which succeeds it. To illustrate this, I have only to refer to a few facts.

On the last day of General Jackson's administration, over *three millions of dollars were appropriated for internal improvements.* On looking over the appropriation bills passed by Congress I find ,that on the 3d day of March, 1837, which was the day before M'. Van Buren's inauguration, General Jackson *approved* of three bills, besides the General Appropriation bill, in which the following sums were appropriated:

By the river and harbor bill - - - - - - - - -	$1,917,188 00
For the Cumberland and other roads - - - - - - -	227,496 63
For light-houses, light-ships, &c. - - - - - - - -	721,694 00
For the annual expense of maintaining light-houses for the year 1837, contained in the General Appropriaton bill - - - - - - - - -	311,255 00
Coast survey - - - - - - - - - -	60,000 00
Total, March 3, 1837 - - - - -	$3,237,663 63

During the first year of Mr. Van Buren's administration, the appropriations for the same objects were $2,887,065 89.

The Harbor and River bills vetoed by Mr. Polk were of the same character, and contained nearly the same items, as the bills approved by General Jackson and Mr. Van Buren. While Mr. Polk stamped upon his administration the policy of expending millions in a war of conquest upon a sister republic, he denied the right of the General Government to make appropriations for harbors and rivers, notwithstanding the same items had been sanctioned by General Jackson.

All these improvements, then in progress, were stopped; the system was abandoned; the snag-boats, dredge-boats, tools, machinery, and materials, then on hand, were sold at a great sacrifice; and the "*stop policy*" prevailed during Mr. Polk's entire term. He was willing to expend untold millions in a foreign war, to obtain more territory—to perpetuate slavery and the power of the South; but when the representatives of the people made appropriations of a few hundred thousand dollars, for improving the harbors on the *inland seas* of the North, and the rivers of the *great West*, a southern President interposed the one-man power, and said, *No*, I forbid.

This aroused a feeling of indignation among the people in all the northern and western States. The Chicago Convention followed, in which the people of eighteen States were represented—not, sir, to dissolve the Union, but to express their disapprobation and dissent from such arbitrary dictation of the Executive, and with a firm resolve, by fair argument and a concentration of public opinion, to maintain their constitutional rights. They determined to support no man for President who would thus arbitrarily interpose his veto to thwart the will of the people on a constitutional measure of such vast importance to the commerce of the country. These important works, many of which are now in a dilapidated state, have to be commenced anew, under the present Administration.

I regard it, sir, as most fortunate for the country, that the honest and patriotic President, who is now at the helm of this Government, did nothing more during the political campaign than to lay down great principles for his guide, without giving any specific pledges on these agitating questions of domestic policy. He now occupies such a high national position, that he can do justice to the whole country without violating any of the great principles asserted during the campaign which resulted in his election. Congress is left to legislate without any Executive interference, and I cannot doubt that every member will finally meet these important questions, and discuss them upon fair constitutional grounds, for the good of the whole country, regardless of any threats that may have been made outside of the duties devolved upon them by the Constitution; and when laws, passed after mature consid-

eration, are presented to the President, I believe they will be approved by him, unless they are clearly unconstitutional.

With these views, Mr. Chairman, I will now proceed to the consideration of the practical question before the committee requiring action, namely, the bill for the admission of California into the Union upon an equal footing with the original States. The President in his California message, submitted to this House on the 21st of January last, earnestly recommended that, if the constitution which the people of that territory had formed for themselves should be found to be in compliance with the requisitions of the Constitution of the United States, it should receive the sanction of Congress.

Their constitution has since been submitted to this House by the President, and the Senators and Representatives from California have presented a petition praying for her admission. Their constitution is not only republican in its character, but appears throughout to be, like the President's message on this subject, the perfection of human wisdom. I do not hesitate to declare, that I am in favor of standing by the President in what I conceive to be a wise and patriotic recommendation. I am for admitting California as she is, with her present constitution and boundaries, disconnected from all other subjects; and I trust there will be early action on the part of this House.

Mr. Chairman, there are some objections made to her admission. I will, therefore, proceed to notice some of the principal of these objections. The most prominent one is, that the people of California, in the first article of their constitution, have declared that "*neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.*"

The honorable gentleman from Virginia, (Mr. SEDDON,) condemns the action and policy of President Taylor, as developed in his California message, for the reason, as he alleges, that it would, if carried out as recommended, "filch from the States of the South all chance of participation in the new acquisitions, and effectually exclude all slaveholders with their property."

Mr. SEDDON, who appears to speak the sentiments of the South, says:

"It was emphatically a judicial question to determine whether the laws of Mexico, regulating the relations of persons, continued, and prevailed in California, and belonged, until the legislation of Congress afforded appeal to the Supreme Court, appropriately and exclusively to the Judiciary (such as it might be) of the *de facto* government in California. Yet this whole question is summarily determined by the fiat of the Executive, '*that the existing laws, regulating the relations of the people with each other, will continue, until others, lawfully enacted, shall supercede them.*'

* * * * * * * * * * * *

"Embarrassing and difficult as is the position in which the unauthorized action of the Executive has placed us, our duty, Mr. Speaker, seems to me plain. *We ought at once to remand California to her rightful position of territorial dependence.*"

The honorable gentleman admits that his opposition to the admission of the State of California proceeds mainly from the fact that "slaveholders with their property" are prevented from going there, and charges that the President and his Cabinet, by their action and policy, have been the *cause* of this alleged injustice to the South.

On this charge of the honorable gentleman from Virginia, I will submit a few considerations to the committee, and will endeavor to prove, in the first place, that General Taylor did not originate the policy of continuing the *de facto* government, with a recognition of the Mexican laws which were in full force and operation at the conclusion of the war, but that it originated with the late President and his Cabinet; and, in the next place, that the enterprising, free, and intelligent people, who emigrated there in such large numbers, took the matter into their own hands, voted according to their honest convictions in favor of human rights, and as they always would vote for all time to come, whether voting under a recommendation of the people, General Riley's proclamation, or a law of Congress, authorizing them to form a State government.

The main charge is, that just at the time when the slaveholders might have been encouraged to venture into this territory with their slaves, the Administration thought

proper to announce positively "that the Mexican laws regulating the relation of persons were in force and must be executed," and that this announcement prevented them from going there with their slaves.

Were this charge true in fact, it was only announcing the opinion of some of the ablest jurists in the country, that under the law of nations, the Mexican laws were in force at the conclusion of the treaty of peace, and would so continue until changed by Congress or the people. But the charge is not true in fact, that the Mexican laws were *put in force* by the present Administration. They were *declared* in force by the late Administration, and have only been *continued* by the present Administration, as I will now proceed to show by the clearest documentary proof. I will first read from a confidential letter from Mr. Marcy, late Secretary of War, to General Kearney, June 3d, 1846, putting him in command of the expedition against New Mexico and California.

"Should you conquer and take possession of New Mexico and Upper California, or considerable places in either, *you will establish temporary civil governments* therein, abolishing all arbitrary restrictions that may exist, so far as it may be done with safety. In performing this duty, it would be wise and prudent to continue in their employment all such of the *existing officers* as are known to be friendly to the United States, and will take the oath of allegiance to them.

In pursuance of these instructions, General Kearney proceeded at once to Santa Fe, in New Mexico, and taking military occupation of the country, issued his proclamation, August 22, 1846, on behalf of the United States Government, in which he expressly declared, that

"It is the wish and intention of the United States to provide for New Mexico a *free government*, with the least possible delay, similar to those in the United States. * * * * But until this can be done, *the laws hitherto in existence will be continued, until changed or modified by competent authority;* and those persons holding office will continue in the same for the present, provided they will consider themselves good citizens, and are willing to take the oath of allegiance to the United States."

On the 22d of September, 1846, one month afterwards, he established an "organic law of the territory of New Mexico," and a code of laws, which he published as the laws by which the people of that territory were to be governed. It consists of forty-six pages, and is published with the President's special message to this House, December 22, 1846. One of the provisions contained in this code of laws was, that

"All laws heretofore in force in this territory, which are not repugnant to, or inconsistent with, the Constitution of the United States, and the laws thereof, or the statute laws in force for the time being, shall be the rule of action and decision in this territory."

So, it will be seen, that at every step taken by General Kearney, in establishing a civil government, and putting in operation a code of laws for the guidance of the people of New Mexico, the *Mexican laws were continued in force*, unless repugnant to the laws made by him, or the Constitution and laws of the United States.

The same is true in regard to California. On the 12th of July, 1846, George Bancroft, then Secretary of the Navy, sent to Commodore Sloat, commanding the United States naval forces in the Pacific ocean, a copy of the confidential instructions from the War Department to General Kearney, containing authority to establish a civil government in California, and also informing the Commodore, that "the Government relies on the land and naval forces cooperating with each other in the most friendly and effective manner."

On the 13th August, 1846, by an order of the Navy Department, Commodore R. F. Stockton succeeded to the command of the United States naval squadron in the Pacific ocean; and, in pursuance of orders previously given to that squadron, on the 17th of August, he issued a proclamation to the people of California, declaring that "the territory of California now belongs to the United States, and will be governed, as soon as circumstances will permit, by officers and laws similar to those by which the other territories of the United States are regulated and protected."

In a few days after, Commodore Stockton, styling himself "commander-in-chief

of the United States forces in the Pacific ocean, and Governor of the Territory of California, and commander-in-chief of the army of the same," "do order and decree that the government of the said Territory of California shall be, until altered by the proper authorities of the United States, constituted in manner and form as follows: The Executive power and authority in and over the said Territory shall be vested in a governor, who shall hold his office for four years, unless sooner removed by the President of the United States;" providing also for the appointment of a secretary for the Territory, and a legislative council; and then declared that, "the municipal officers of cities, towns, and departments or districts, heretofore existing in the Territory, shall continue to exist, and all their proceedings be regulated and controlled by *the laws of Mexico*, until otherwise provided for by the Governor and legislative council."

President Polk informed us, in his annual message to Congress of December 8, 1846, that our military and naval commanders had, under his orders, established *temporary governments* in California and New Mexico, assimilating them, as far as practicable, to the free institutions of our own country. In his special message of July 24, 1848, he vindicated his right to do so by the laws of nations, giving his reasons at full length for the orders he had given.

The treaty of Guadaloupe Hidalgo, having been exchanged, May 30, 1848, became operative upon both governments, changing their belligerent attitude toward each other to that of peaceful relations. In his last annual message to Congress, December 5, 1848, President Polk inform us, that "the only *government* which remained, [after the treaty,] was that established by the military authorities during the war. Regarding this to be a *de facto* government, and that by the presumed consent of the inhabitants,* it might be continued temporarily, they were *advised* to conform and submit to it, for the short intervening period before Congress would again assemble, and could legislate on the subject."

Colonel R. B. Mason was the civil governor of California at the conclusion of the treaty of peace, and under the orders of the late administration, issued a proclamation to the people, in which he stated that the "existing laws would remain in force, and the existing officers would administer them the same as they had done before the close of the war." General Riley was appointed by the late President to succeed Colonel Mason as civil governor of California, and continued at the head of the *de facto* government until the people had formed a constitution and State government for themselves; and then, on the 20th November last, by proclamation, delivered the *de facto* government, existing at the close of the war, into the hands of the duly elected agents of the newly organized State, at the head of which the people had placed Peter H. Burnett, esq., as governor. California is now a State, with a civil government established by the people, and will so continue. She will never consent to go back into a state of territorial dependence, and whether admitted into the Union or not, will continue to maintain her present constitution and government.

I will not stop here to dispute the right of the late administration, after Congress declared that war existed by the act of Mexico, to establish civil governments in California and New Mexico during its existence; nor will I question the propriety of Mr. Polk's advice to continue such governments in force after the war was ended; nor the propriety of General Riley's proclamation, issued before any order reached him from General Taylor. All this has been done, and the late administration—although it is likely to be free and not slave territory—must now stand the responsibility of their own acts, and not attempt to evade them, or try to shift the responsibility on to the present Administration, because the result has happened to turn

*"The system of government now in force in New Mexico, is that which was established in 1846, and embraces what is termed Kearney's code, *to which the people, through their representatives lately assembled in convention, have happily expressed their assent*, as will be seen by their memorial to Congress, and is considered adequate to the wants of the country until another can be provided." [See letter from Colonel Washington, late Governor of New Mexico, to Mr. Marcy, Secretary of War, dated November 8, 1848.]

out differently from what they expected. I think the "action and policy" of the late administration, although intended to *extend* slavery, may have operated to produce a contrary result; and instead of extending, it has had the effect to *exclude* it from those territories. The New York regiment, under Colonel J. D. Stevenson, sent there by the late Administration, being opposed to slavery, no doubt exerted some influence in favor of freedom. This regiment arrived in California during the war, and at its close was disbanded in the territory, and many of the officers and men took an active part in the formation of the State constitution; and one of them is now here as one of the Representatives of that State.

It is true that the late President, in his message after the close of the war, recommended to Congress the organization of territorial governments for these territories, but in consequence of a disagreement between the Senate and House, with regard to the prohibition of slavery therein, all attempts made to pass laws for their organization failed. A majority of the House were in favor of prohibiting slavery, while a majority in the Senate were opposed to it.

During the last session Senator DOUGLAS, as chairman of a select committee, also reported a bill in the Senate providing for the formation of two new States from these territories, leaving the question of slavery *to the people thereof;* but it did not pass, for the reason that Congress had not power to *create* new States. It only had power to *admit* them after the people had acted by the formation of a State constitution and government.

From this brief statement of the history of New Mexico and California, from the commencement of the war, it is very clear that civil governments were established in both those Territories under the orders of the late Administration; that those governments recognised and continued the Mexican laws in full force and practical operation, except as modified by these temporary governments; that one of the Mexican laws then in force, and not changed, was a law abolishing slavery, and the declaration of inherent rights belonging to the people, contained in the Constitution of Mexico, published in 1843, declaring that "no one is a slave in the territory of the nation, and any introduced shall be considered free, and shall be under the protection of the laws;" that President Polk, at the conclusion of the treaty of peace with Mexico, *advised* that these temporary civil governments should be submitted to until Congress could legislate on the subject; that Governor Mason did in fact issue his proclamation continuing the *de facto* government in force; that General Riley, who succeeded Governor Mason, was the civil Governor in California in June last, having been previously appointed by the late President, and issued his proclamation to the people, inviting them to form a State constitution for that Territory, *before* any order reached him from General Taylor, after his inauguration.

General Taylor coming into the presidential chair, and finding these Territories thus situated, wisely determined not to interfere with the *de facto* governments established by his predecessor, and then existing in those Territories. General Taylor says:

"On coming into office, I found the military commandant of the department of California exercising the functions of civil governor in that Territory; and left, as I was, to act under the treaty of Guadalupe Hidalgo, without the aid of any legislative provision in establishing a government in that territory, I thought it best not to disturb that arrangement made under my predecessor, until Congress should take some action on that subject. I did not therefore interfere with the powers of the military commandant, who continued to exercise the functions of civil governor as before; but I made no such appointment, conferred no such authority, and have allowed no increased compensation to the commandant for his services."

The fact that the last Administration declared that the *Mexican laws* were in full force and operation, except as modified by the laws which they made, and their continuation by the present Administration, no doubt had its effect in excluding slavery from California; yet that was not, in my judgment, the only cause which operated to produce that result. The discovery of the gold mines, and the consequent large immigration of the free and intelligent white laborers from the North,

who were eager to work the mines with their own hands, would never consent to be degraded by being brought on a level with the slaves of the South. The white laborer, while at work with his fellow and equal, may well regard his occupation as honorable; and being inspired with the thought that whatever he acquired would be his own, would work on with eagerness and satisfaction. Slavery, on the contrary, would operate as a blight and a curse to the whole country. The keen-sighted citizens in that country knowing this, have guarded against it by the prohibition unanimously adopted in their constitution, excluding slavery forever from their State, notwithstanding two-fifths of the voters were immigrants from the slaveholding States.

Much has been said by Southern gentlemen about maintaining the "happy equilibrium" between the two sections of the country—that whenever a free State is admitted into the Union, a slave State should be admitted at the same time, so that there should always be an equal number of Senators from the free and slave States. It is conceded that the northern and western States will always have a large majority of members in the House of Representatives; and no matter how large the majority may be there, they desire to have a check upon them in the Senate, to resist and thwart any popular measure which the House may pass, if it does not suit the wishes of Southern gentlemen. This is not the doctrine of common sense and justice; it is not republican; it is not even the doctrine of the old Democratic party. They once contended, in the strongest terms, that the majority should govern, and always adhered to that principle until the adoption of the two-thirds rule by the Baltimore Convention, which threw Mr. Van Buren overboard, and nominated Mr. Polk in 1844. Having myself always maintained that the majority ought to rule, and having acquiesced in the principle when formerly pressed upon us by the old Democratic party, I am not now disposed to abandon it. But, Mr. Chairman, if the happy equilibrium which the gentlemen theoretically contend for were restored to-day, so as to give to the South as many members of Congress as the North now have, and agree that the Senate should be kept equal in numbers for ten years, how long after that do you suppose it would continue? Not more than ten years afterward; only till the next census, for the obvious reason that the action of the United States Government does not control emigration, enterprise, and the free white labor of the North. Our ports are thrown open, and the free soil of the North and West is spread before the oppressed of all nations, inviting them thither. The rich valleys of the North, the prairies of the West, and the mineral regions of California, free from the taint of slavery, will ever attract the immigrant from the older States of the Union, and from Ireland, Germany, France, England, and other oppressed and over-peopled countries of Europe, in preference to slave soil of the same quality. The emigrant who designs to cultivate the virgin soil with his own hands, would feel degraded to be placed on a level with the slave, who reaps not the fruits of his own toil. Hence it is, that this theoretical equilibrium can never be maintained in practice. The action of the national government cannot and ought not to control it.

When gentlemen talk of the *aggressions* of the North upon their institutions, if they would attribute it, not to the action of the Government, but to the real cause, and say that slave soil cannot keep pace with free soil in population, agriculture, manufactures, and the arts, they will be prepared themselves to correct the evils under which they are now living; nor will an amendment of the Constitution, as proposed by the gentleman from South Carolina, (Mr. CALHOUN,) save them from the evils of slavery. The cause lies deeper. Virginia has a good soil, genial climate, capacious harbors, and noble rivers; but so long as slavery exists there, she can never expect to compete successfully with the free labor and enterprise of the free States. This is apparent to all who have watched her progress for the last fifty years, as compared with Ohio, New York, and other free States. The immigration from Europe is not to Virginia, or South Carolina, or indeed any of the slave-

holding States, in anything like the proportion that it is to the free States; and it never will be, so long as slavery is cherished there "as a blessing both to the master and the slave." Virginia statesmen have often felt and deplored the existence of slavery within their limits. In the year 1832, there was a very interesting debate in their legislature in relation to certain propositions for the abolition of slavery in that State. This debate has often been referred to in this House; but I trust I shall be pardoned for making a few extracts from some of the speeches made on that occasion.

Gen. W. H. Brodnax, of Dinwiddie, said:

"That slavery in Virginia is an evil, and a transcendent evil, it would be idle, and worse than idle, for any human being to doubt or deny. It is a mildew, which has blighted in its course every region it has touched from the creation of the world. Illustrations from the history of other countries and other times might be instructive and profitable, had we time to review them; but we have evidences tending to the same conviction nearer at hand, and accessible to daily observation, in the short history of the different States of this great Confederacy, which are impressive in their admonitions, and conclusive in their character," &c.

The Hon. C. J. Faulkner, remarked:

"Slavery, it is admitted, is an evil; it is an institution which presses heavily against the best interests of the State. It banishes free white labor; it exterminates the mechanic, the artisan, the manufacturer; it deprives them of occupation; it deprives them of bread; it converts the energy of a community into indolence, its power into imbecility, its efficiency into weakness. Sir, being thus injurious, have we not a right to demand its extermination? Shall society suffer that the slaveholder may continue to gather his *crop* of human flesh? What is his mere pecuniary claim, compared with the great interests of the common weal? Must the country languish, droop, die, that the slaveholder may flourish? Shall all interests be subservient to one—all rights subordinate to those of the slaveholder? Has not the mechanic, have not the middle classes their rights—rights incompatible with the existence of slavery?"

The Mexican war was prosecuted for the avowed purpose of extending slavery. This was avowed during the war by the southern press, and by members of Congress, soon after the Wilmot proviso was offered in the House. I now introduce a few extracts to prove this assertion. The Charleston *Patriot* used this language: "We trust that our southern representatives will remember that this is a *southern war.*" And the Charleston *Courier* said: "Every battle fought in Mexico, and every dollar spent there, but insures the acquisition of territory which must *widen the field of Southern enterprise and power for the future;* and the final result will be, to adjust the whole *balance of power* in the Confederacy, so as to give *us the control* over the operations of the Government in all time to come."

The honorable gentleman from Virginia, (Mr. SEDDON) denounced the proviso when first introduced by Mr. Wilmot, and said "the South never would, never could *prosecute conquests* which were to be made the instruments of direct attack upon her institutions. She never would acquiesce *in the acquisition of territory* from which her sons, *with their property*, were to be wholly excluded."

Similar sentiments were declared by the honorable Senator fron Alabama, (Mr. BAGBY,) and by one of her representatives, (Mr. DARGAN,) and by Mr. LEAKE, of Virginia, and many other gentlemen who spoke on the subject.

When the late Administration were establishing temporary *civil governments* in California and New Mexico, with a recognition of the *free* laws of Mexico, by which slavery was excluded from those acquisitions, they undoubtedly got much more than they bargained for, more than they wanted, and more than they intended. They intended to plant slavery there, but by their own eagerness to be in possession, with a *de facto* government at the close of the war, it has been secured to freedom.

This was not the only time the late Administration got more than they bargained for. They sent General Taylor to Mexico, to fight the battles of our country in a war of conquest, to perpetuate their own power; but in this instance, too, they got more than they bargained for; for in less than three years from the time the first blood was spilled on the field of Palo Alto, they were themselves expelled from the Capitol by the people, to make room in the White House for the victorious chief now Chief Magistrate of the nation, and having the chief command of both the army

and navy. I only refer to these facts at this time for the purpose of showing that the South, under a southern Administration, pushed the country into the war with Mexico to obtain territory by conquest—to extend slavery and perpetuate their own power and the power of the South; but as a legitimate consequence of their own acts, not intentional, I admit, they are now out of power.

The territory has been acquired, but it is *free soil;* it has extended our national domain, but it has increased the area of *freedom* in the United States. Good is likely to come out of evil, and for one, I trust we shall not lose the vantage ground on which we now stand, *but keep it free.* No compromise—no concession, which shall extend slavery beyond its present limits—is the almost universal sentiment of the people I represent, and under no circumstances will I misrepresent them while I have the honor of a seat upon this floor.

I have said that General Taylor's plan of admitting the territories as States, appeared to me to be the most feasible, constitutional, and republican. That country came to us free, and under the operation of the Mexican laws, declared in force by the late Administration, and continued in force by General Taylor and his Cabinet, I believe it will continue free, until the people, in the remainder of the territory, shall establish permanently free constitutions and State governments for themselves, as the people of California have done, and that by the "action and policy" of the late as well as the present Administration, the whole may, from time to time, be admitted as free States. The present *de facto* government in New Mexico, first established by General Kearney, to which I have referred, can be continued in force with such modifications as have been made, or the people residing there may hereafter choose to make, until they apply for admission as a State. This civil government is not in subordination to the military force stationed in that country, but is independent in its execution of the laws. Civil magistrates and ministerial officers perform their appropriate functions in all matters of civil jurisdiction. Colonel Monroe is the present civil governor of that territory, and bound to execute the *civil laws* adopted and put in force there by General Kearney during the late Administration. He can, and no doubt does, when it is necessary, call to his *aid* the military force under his command, for the purpose of executing those laws, and maintaining and supporting the civil authorities in the discharge of their appropriate duties; and the military force stationed there will also protect them from the depredations of the Indians. The population of New Mexico is from ninety thousand to one hundred thousand, and they will no doubt very soon form a State Constitution, and apply for admission as a State.

On all subjects of national legislation, Congress may, in the mean time, legislate for their benefit. The revenue laws may, if necessary, be extended over the country; post-offices and post routes may be established there, and such aid given them to open roads as is usually afforded to the territories of the United States; the public lands may be surveyed, land-offices established, and the lands disposed of as well without, as with, a territorial government. But if Congress shall deem it best to have territorial governments established, and bills are introduced and pressed in this House by Southern gentlemen for that purpose, changing the operation of the free laws of Mexico, now in force in those Territories, or leaving it in any way doubtful, I shall, in accordance with my own feelings, as well as the known wishes of the people I represent, vote for a restriction, to be inserted in the bill, which will positively and effectually prevent slavery from going there.

I am opposed to the extension of slavery in every form, and in all bills where Congress assumes to legislate for the people in the territories, I think it right in principle, and safest in practice, to incorporate in the territorial bills the Jeffersonian restriction, contained in the ordinance adopted under the old Confederation in 1787, prohibiting slavery in the territory northwest of the Ohio river, and recognised after the adoption of the present Constitution by a bill approved by General Washington, August 7, 1789.

I know that gentlemen who desire to extend slavery say, that by continuing the present *de facto* governments in force they will be excluded from all this territory "with their property." They will only be prohibited from taking *slaves* there. They can take all property, which is admitted as such by the general consent of mankind, the same as the people of the free States. They will be on a perfect equality with the North. They can go there themselves, and they can take any thing with them we can take, or desire to take there, the same as those who have gone from the slaveholding States to California.

During the past week, a book of two hundred and fifty-five pages has been laid upon my table, and I believe upon the tables of all the other members of this House, entitled "Cuba and the Cubans," which I regard as *due notice* that a new project is on foot to annex the island of Cuba to the United States. I know not who it is that has been so kind as to distribute this book gratuitously to all the members; but for myself I will say, that I feel very much obliged to the gentleman that has favored me with such a handsome volume. I shall read it attentively, and give the subjects of which it treats early consideration. But I desire here, in this public manner, to give to that gentleman what the lawyers term *a cross notice*, that when Cuba comes into this Union *she must come free*. "No more slave States, and no more slave territory," is the decree sent forth by the people, and it will be obeyed.

In the preface to this book, it is stated in regard to Cuba, that "the attention of both England and the United States is directed toward that island with eager interest. * * * Within or without the United States, she will soon be free from Spanish dominion, and, which is of great consequence to this country, if free without our aid or influence, she falls to England. How will the United States relish the possession by that nation of a point which commands the Gulf of Mexico and the mouth of the Mississippi? * * * The appendix contains much important statistical information, together with a translation of a pamphlet from the Spanish, in reply to Don Jose Antonio Saco, on the subject of *the annexation of Cuba to the United States.*"

I am not sure that the people of this country will oppose the annexation of Cuba to the United States if it can be done in a peaceable and proper manner; but I think I may safely say, that they will oppose her annexation as a slave State, for two reasons—first, because they regard slavery as so great an evil that even the limited guaranties of the Constitution relating to the surrender of colored persons from whom labor is due, should not be further extended over it; second, because they are unwilling that there should be any more territory annexed to the United States in which five colored *persons*, treated and claimed as property, should be equal to three white persons in the *basis* of representation for the election of members of Congress. I use the words "colored persons," because the word *slave* does not occur anywhere in the Constitution. So cautious were the framers of the Constitution not to recognise a *vested right of property* in slaves, that they are called *persons* in the only three places to which reference is made to them in that instrument.

General Taylor, adhering to the peace policy set forth in the Allison letter, has been true to the nation in reference to Cuba. During the last summer there was an unlawful assemblage of persons with arms and ammunition on Round island, with a view to aid insurrection and revolution in Cuba. As soon as he was sufficiently informed of the object and design of this unlawful expedition, he issued his proclamation against it, which very soon put an end to their proceedings, and dispersed the desperadoes engaged in it.

The honorable gentleman from Georgia, (Mr. Toombs,) who wanted "discord to reign forever," unless we would give pledges in advance not to pass the Wilmot proviso, has reminded us of our obligations under the Constitution to suppress insurrection or domestic violence. In acknowledging this obligation, I trust I shall be permitted at the same time to remind that gentleman, that if there should be insurrection in higher places than those alluded to by him, it would be equally the duty of the people to rally round the President for the purpose of suppressing that also.

I take leave, also, to call the attention of the gentleman from Georgia, as well as other gentlemen on this floor, who have spoken and written in favor of the proposed *Nashville Convention*, to another provision of the Constitution, which says "that no State shall enter into any treaty, alliance, or confederation," nor, without the consent of Congress, "enter into any agreement or compact with another State." These provisions of the Constitution should be carefully considered by those who are about to enter upon so treasonable a project, and see how far they can go without committing an "overt act," which would bring down upon them the whole power of the National Government, with General Taylor at the head.

I now hold in my hand a copy of the resolutions passed by the Chicago Convention, held the 5th July, 1847, together with the memorial of the executive committee to Congress, presenting an unanswerable argument in support of the constitutional power of Congress to make appropriations for the improvement of harbors and rivers, and containing a vast amount of information, showing the expediency as well as the necessity for exercising that power by intelligent and just legislation. This memorial, and the statistical information annexed to it, may be found in House report, No. 741, accompanying an able report made by the Hon. Washington Hunt, chairman of the Committee on Commerce of the last Congress, submitted on the 23d June, 1848. If the proposed Nashville Convention shall, as the result of their labors, present a memorial containing as just and able an argument in favor of the institution of slavery, and of slavery extension, I doubt not this House will give it early attention and respectful consideration. The people of the South have a constitutional right "to peaceably assemble (at Nashville or elsewhere) and petition the Government for a redress of grievances." That was done by the Chicago Convention, and I trust the Nashville Convention, if it is held at all, will not attempt anything more. Let us have free discussion. Let them meet the question fairly, and by facts and arguments demonstrate to the people that slavery is a great "moral, social, and political blessing," if it can be done; and I have no doubt that, on being convinced of these alleged facts, the people of the North will yield to the demands of the South; but they will never yield to threats of violence, menace, or revolution. That day has gone by. The bold and fearless stand taken by John Quincy Adams, amid threats of personal violence, has finally broken down the Atherton gag, and the odious twenty-first rule, which formerly stifled discussion, and trampled under foot the sacred right of petition, guarantied by the Constitution. Slavery must now be discussed in and out of Congress upon its merits, like all other subjects, especially in reference to its extension into territory now free. Let this discussion which has been forced upon us go on—it is doing good. If it is a good institution, let it be shown up in broad daylight, here and elsewhere. Let it be examined in its moral, social, and political aspects; and if it is found, instead of being a blessing, to be a great moral, social, and political evil, as I believe it is, then do not extend it, or attempt to extend it, beyond its present limits. The North has no desire to oppress the South, even if it has the power. The moral and religious sentiment of the people is against slavery and oppression in all its forms, and unless that sentiment can be changed, not by threats of disunion, but by reason and sound argument, they will never consent to have it extended at all beyond the boundaries of the States where it now exists. They will leave it untouched by any national legislation in those States, but will surround it by a cordon of free States. Thus far s halt thou go, but no further, is nearly the unanimous sentiment of the entire North.

In conclusion, sir, I desire to say, that on all measures affecting the great interests of the country, commerce, agriculture, manufactures, internal improvements, protection to American labor, and above all, patriotic devotion to the Union of the States—General Taylor has shown himself to be equal to the great *crisis* at which we have arrived in the political history of this nation. He has declared, that "whatever dangers may threaten the Union, I shall stand by it and maintain it in its integrity to the full extent of the *obligations* imposed, and the *power* conferred,

upon me by the Constitution." This patriotic and determined resolution has found a cordial response from every American bosom. The *obligations* imposed upon him are, to "preserve, protect, and defend" the Constitution, "*and take care that the laws be faithfully executed.*" The *power* conferred upon him is that of "commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into actual service of the United States." With these obligations imposed and power conferred by the Constitution, who can doubt that the HERO OF BUENA VISTA will crush every attempt at disunion or resistance to the laws. He has a strong hold upon the affections of the people of the whole country, and the first "overt act" of resistance to the laws would bring to his aid millions of *freemen*, who would rally with enthusiasm around the flag of their country, to aid him in maintaining the Constitution and the Union, which has been cemented by the blood of our fathers. But I trust, sir, the day will never come when such aid will be necessary. General Taylor desires harmony and concord, and a perpetuation of the Union under which the people of this nation have been so prosperous and happy. He has pledged himself to carry out the will of the people, constitutionally expressed. Let that will be manifested, and we need have no fears that he will violate any of the principles claimed for him in the campaign that resulted in his elevation to the position which he now so gloriously occupies.

APPENDIX.

HOUSE OF REPRESENTATIVES, *March* 19, 1850.

SIR: Will you be kind enough to give me—

1. The reasons for the opinion you expressed a few days since, that negro slavery would never be extended into the department of New Mexico?

2. What has been the form of civil government in New Mexico since General Kearney took military occupation of that department, on the 22d August, 1846, and who have been the principal officers in charge of the same?

3. What is the population of New Mexico; and, of the permanent inhabitants now there, how many were immigrants from the United States?

Desiring an early reply, I am, sir, very respectfully, your obedient servant.

E. G. SPAULDING.

HUGH N. SMITH, esq., *Delegate from New Mexico.*

WASHINGTON, *March* 20, 1850.

SIR: Your note of the 19th instant, making several inquiries about New Mexico, has been received. I have always believed that the practical introduction of negro slavery into New Mexico was almost naturally impossible; the geographical position, elevation, soil, climate, the cheapness of labor, the facility of escaping into Mexico or the Indian country, would render an attempt to introduce it to any extent into New Mexico not only useless, but even ruinous to any one who would invest his capital in negroes for introduction into that territory.

The form of government established by General Kearney, when he first took military occupation of New Mexico, was a civil establishment, but always held in strict subordination to the military authority of the department, and so continued through the war, controlled by the various officers who successively held the position of military commanders of that department. After the war, the government of New Mexico was continued as it then existed, without any relaxation of military rule, and Lieutenant Colonel Washington was appointed civil and military governor, and continued in command of the department until the first of November last, when he was relieved or superseded in the same command by Colonel Monroe.

In reply to your third inquiry, I would remark, that the population of New Mexico is from ninety to one hundred thousand, as ascertained by a census taken two years ago, by order of the legislative assembly of the territory. I suppose we have about fifteen hundred resident voters, immigrants from the United States; this immigration is however increasing, and if adequate protection were afforded

to the immigrants and settlers in that remote country, we would soon see its villages filled by an enterprising, industrious, and thrifty population. Very respectfully, your obedient servant,

HUGH N. SMITH.

Hon. E. G. SPAULDING, *House of Representatives.*

THE PRESIDENT'S CALIFORNIA MESSAGE.

WASHINGTON, *January* 21, 1850.

To the House of Representatives of the United States:

I transmit to the House of Representatives, in answer to a resolution of that body, passed on the 31st of December last, the accompanying reports of heads of Departments, which contain all the official information in the possession of the Executive asked for by the resolution.

On coming into office, I found the military commandant of the department of California exercising the functions of civil governor in that Territory; and left as I was, to act under the treaty of Guadalupe Hidalgo without *the aid of any legislative* provision in establishing a government in that Territory, I thought it best not to disturb that arrangement, made under my predecessor, until Congress should take some action on that subject. I therefore did not interfere with the powers of the military commandant, who continued to exercise the functions of civil governor as before, but I made no such appointment, conferred no such authority, and have allowed no increased compensation to the commandant for his services.

With a view to the faithful execution of the treaty, so far as lay in the power of the Executive, and to enable Congress to act at the present session with as full knowledge and as little difficulty as possible on all matters of interest in these Territories, I sent the Hon. Thomas Butler King as bearer of despatches to California, and certain officers to California and New Mexico, whose duties are particularly defined in the accompanying letters of instruction addressed to them severally by the proper department.

I did not hesitate to express to the people of those Territories my desire that each Territory should, if prepared to comply with the requisitions of the Constitution of the United States, form a plan of a State constitution, and submit the same to Congress, with a prayer for admission into the Union as a State; but I did not anticipate, suggest, or authorize the establishment of any such government without the assent of Congress, nor did I authorize any Government agent or officer to interfere with, or exercise any influence or control over, the election of delegates, or over any convention, in making or modifying their domestic institutions, or any of the provisions of their proposed constitution. On the contrary, the instructions given by my orders were, that all measures of domestic policy adopted by the people of California must originate solely with themselves; that while the Executive of the United States was desirous to protect them in the formation of any government, republican in its character, to be at the proper time submitted to Congress, yet it was to be distinctly understood that the plan of such a government must at the same time be the result of their own deliberate choice, and originate with themselves, without the interference of the Executive.

I am unable to give any information as to laws passed by any supposed government in California, or of any census taken in either of the Territories mentioned in the resolution, as I have no information on those subjects.

As already stated, I have not disturbed the arrangements which I found had existed under my predecessor.

In advising an early application by the people of these Territories for admission as States, I was actuated principally by an earnest desire to afford to the wisdom and patriotism of Congress the opportunity of avoiding occasions of bitter and angry dissensions among the people of the United States.

Under the Constitution, every State has the right of establishing, and from time to time altering, its municipal laws and domestic institutions, independently of every other State and of the General Government, subject only to the prohibitions and guarantees expressly set forth in the Constitution of the United States. The subjects thus left exclusively to the respective States were not designed or expected to become topics of national agitation. Still, as under the Constitution Congress has power to make all needful rules and regulations respecting the Territories of the United States, every new acquisition of Territory has led to discussion on the question, whether the system of involuntary servitude which prevails in many of the States should or should not be prohibited in that Territory. The periods of excitement from this cause which have heretofore occurred have been safely passed, but during the interval of whatever length which may elapse before the admission of the Territories ceded by Mexico as States, it appears probable that similar excitement will prevail to an undue extent.

Under these circumstances I thought, and still think, that it was my duty to endeavor to put it in the power of Congress, by the admission of California and New Mexico as States, to remove all occasion for the unnecessary agitation of the public mind.

It is understood that the people of the western part of California have formed a plan of a State constitution, and will soon submit the same to the judgment of Congress, and apply for admission as a State. This course on their part, though in accordance with, was not adopted exclusively in consequence of any expression of, my wishes, inasmuch as measures tending to this end had been promoted by the officers sent there by my predecessor, and were already in active progress of execution before

any communication from me reached California. If the proposed constitution shall, when submitted to Congress, be found to be in compliance with the requisitions of the Constitution of the United States, I earnestly recommend that it may receive the sanction of Congress.

The part of California not included in the proposed State of that name is believed to be uninhabited, except in a settlement of our countrymen in the vicinity of Salt lake.

A claim has been advanced by the State of Texas to a very large portion of the most populous district of the Territory commonly designated by the name of New Mexico. If the people of New Mexico had formed a plan of a State government for that Territory as ceded by the treaty of Gaudalupe Hidalgo, and had been admitted by Congress as a State, our Constitution would have afforded the means of obtaining an adjustment of the question of boundary with Texas by a judicial decision. At present, however, no judicial tribunal has the power of deciding that question, and it remains for Congress to devise some mode for its adjustment. Meanwhile I submit to Congress the question, whether it would be expedient before such adjustment to establish a territorial government, which, by including the district so claimed, would practically decide the question adversely to the State of Texas, or, by excluding it, would decide it in her favor. In my opinion such a course would not be expedient, especially as the people of this Territory still enjoy the benefit and protection of their municipal laws, originally derived from Mexico, and have a military force stationed there to protect them against the Indians. It is undoubtedly true that the property, lives, liberties, and religion of the people of New Mexico are better protected than they ever were before the treaty of cession.

Should Congress, when California shall present herself for incorporation into the Union, annex a condition to her admission as a State, affecting her domestic institutions, contrary to the wishes of her people, and even compel her temporarily to comply with it, yet the State could change her constitution at any time after admission, when to her it should seem expedient. Any attempt to deny to the people of the State the right of self-government in a matter which peculiarly affects themselves, will infallibly be regarded by them as an invasion of their rights; and, upon the principles laid down in our own Declaration of Independence, they will certainly be sustained by the great mass of the American people. To assert that they are a conquered people, and must as a State submit to the will of their conquerors, in this regard, will meet with no cordial response among American freemen. Great numbers of them are native citizens of the United States, not inferior to the rest of our countrymen in intelligence and patriotism; and no language of menace to restrain them in the exercise of an undoubted right, substantially guarantied to them by the treaty of cession itself, shall ever be uttered by me, or encouraged and sustained by persons acting under my authority. It is to be expected that in the residue of the territory ceded to us by Mexico, the people residing there will, at the time of their incorporation into the Union as a State, settle all questions of domestic policy to suit themselves.

No material inconvenience will result from the want, for a short period, of a government established by Congress over that part of the territory which lies eastward of the new State of California; and the reasons for my opinion that New Mexico will, at no very distant period, ask for admission into the Union, are founded on unofficial information, which I suppose is common to all who have cared to make inquiries on that subject.

Seeing, then, that the question which now excites such painful sensations in the country will, in the end, certainly be settled by the silent effect of causes independent of the action of Congress, I again submit to your wisdom the policy recommended in my annual message, of awaiting the salutary operation of those causes, believing that we shall thus avoid the creation of geographical parties, and secure the harmony of feeling so necessary to the beneficial action of our political system. Connected as the Union is with the remembrance of past happiness, the sense of present blessings, and the hope of future peace and prosperity, every dictate of wisdom, every feeling of duty, and every emotion of patriotism, tend to inspire fidelity and devotion to it, and admonish us cautiously to avoid any unnecessary controversy which can either endanger it or impair its strength, the chief element of which is to be found in the regard and affection of the people for each other.

Z. TAYLOR.

31

ADMISSION OF CALIFORNIA.

SPEECH

OF THE

HON. JOHN L. TAYLOR, OF OHIO,

ON THE

CALIFORNIA AND TERRITORIAL QUESTIONS:

DELIVERED

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

JUNE 4, 1850.

WASHINGTON:
GIDEON & CO., PRINTERS.
1850.

SPEECH.

The House being in Committee of the Whole on the state of the Union, and resuming the consideration of the California question, the President's message in relation to that subject being before the committee—

Mr. TAYLOR said—

Mr. CHAIRMAN: I ought, perhaps, to make some apology to the committee for the desultory nature of the remarks I may make, by stating the fact, that I speak without premeditation, in order to avail myself of the opportunity now offered; but I shall now proceed to address the committee.

The subject before us is the message of the President of the United States, transmitting information in answer to a resolution of the House of Representatives, of the 31st December, 1849, in relation to California and New Mexico. And although I intend to express my opinion in relation to this subject with that boldness and freedom which should characterize the discussion of great public questions by an American statesman, I do not desire to say any thing personally unkind or discourteous to those who may differ from me. I must, however, in the first place, declare my decisive dissent from the extreme opinions which have been expressed on either side of this Hall, and avow myself in favor of justice, moderation, the Union, and the preservation of our republican constitutional liberty. I shrink from no opinions I have heretofore expressed. I stand by my speeches made during the two sessions of the last Congress, upon all the points and questions therein discussed. And to those who wish to know more fully, and in detail, all my opinions upon the great political questions which have agitated us during my service in Congress, I respectfully refer to what I have heretofore said, as the true exposition of views, and the determinations of my best judgment.

On the 24th of January, in the present year, the President's special message, now under consideration, was sent to us. That message, and the accompanying documents, forming a volume of nearly 1,000 pages, have but recently been printed and laid upon our tables. But the same has been under discussion for several months, and I have listened to the violent and angry debates upon this subject, until my patience has been tried to the utmost, and my heart almost sickens, at the want of moderation, the want of a generous forbearance, the want of mutual respect and courtesy, sometimes exhibited in our proceedings in this House.

During the early part of this session the gentleman from North Carolina, (Mr. VENABLE,) who has just addressed the committee, in a speech characterized by his usual ardor, and too highly wrought, in my opinion, when describing what he termed the aggressions of the North in relation to negro slavery,—charged all those from the North, who voted for the prohibition of slavery in the Territories, as disunionists, if I correctly understood him; and if I was mistaken, I shall even now be most happy to be corrected. It was my intention, at that time, to have entered my protest against this wholesale denunciation of Northern men and Northern representatives, and to have denounced it, as I now do, as an unfounded and unwarranted calumny, against a large portion of the people of this country, who are as intelligent and patriotic, and as truly devoted to the Union and the Constitution, as the people of any section of the United States.

Sir, this wholesale denunciation of a great section of the Union, is as much at war with the true spirit of our Government, and the mutual forbearance and respect for the opinions of good men at the North, as are some of the sentiments of the gentleman from Pennsylvania, (Mr. HOWE,) who has just addressed the committee. I dissent from him and his colleague (Mr. STEVENS) in their desire to draw a cordon of free States around the slaveholding States, with the view of *forcing* the owners of negroes into a gradual and prospective emancipation. I entertain no such opinion, and give no vote here which may exclude slavery from the new Territories with the view of *forcing* my fellow-citizens of the South to emancipate their slaves. My votes, heretofore given to exclude slavery from Oregon and California, were given with the most sincere and patriotic desire to promote the prosperity of the whole people, North and South, East and West.

I could not but recollect that, as early as 1784, Mr. Jefferson and others, in framing a plan for the government of the Western territory, extending from the thirty-first degree of north latitude to our northern limits, proposed to prohibit slavery, after 1800, in the ten States which he desired to establish. These States would have occupied the country east of the Mississippi, commencing about the northern line of West Florida, and embracing all the western country that had been or might be ceded to the United States by the original thirteen States. And my votes in reference to our own Territories, were given, to exclude slavery from them, with no desire to prevent any Southern man from emigrating thither, but to promote the true interests of Southern and Northern men. Each might emigrate upon exact equality; and surely this is justice.

No, sir, I do not wish to interfere with slavery in the States, or in any way to abridge or compromit the rights of those who own slaves under the Constitution of the United States. The relation of master and slave should be left

where the Constitution left it—to be regulated, upheld, or abolished by the people of the several States in which it exists. There can be no other safe rule of conduct, and no other just observance of the provisions of our Constitution, in relation to this subject, whenever we, as Representatives in the Congress of the United States, speak or act in reference to slavery in the States. Sir, I believe that the people of the Southern States are fully competent to take care of this subject for themselves; and, for one, I do not wish to intermeddle with it. I have no doubt, that whether we consider negro slavery as it exists in the United States as a great curse, as it is esteemed by many, or as a political blessing, as many others maintain;—that the people amongst whom it exists are the true judges; and, from their information about it, their daily oversight of it, and their admitted intelligence, humanity, and patriotism, they are enabled to decide whether it is best for the two races—the white and black—as they existed at the commencement of the Government, and as they now exist—to continue in their present relation to each other.

These matters I cheerfully commit to them; and, so long as they are satisfied with this relation in the States where it now exists, I do not think it is our business to intermeddle with it. Time, and a free interchange of opinions, and that great teacher, experience, will solve the difficulties that may exist; and I am content to leave the subject in the hands of those who are best qualified to judge of it. Above all, sir, as a Whig, here in my place in the House of Representatives, I wish to disclaim any and all desire amongst those I have the honor to represent, to *force* their opinions on this subject upon the slaveholding States, or *force* those who own slaves to emancipate them. Emancipation, gradual and prospective even, if ever accomplished in any of the Southern slaveholding States, will not be, and cannot be accomplished by *force;* but in time may be, by an enlightened public opinion, rendered efficient and strong by the higher and nobler impulses of religion and humanity operating on the minds of the slave-owners themselves. And I do not wish to entertain or express any other than the kindest feelings of friendship and regard for my fellow-citizens of the Southern States. They are our brethren, and towards them, as well as towards the citizens of the North, I cherish none other than the best wishes for their peace, prosperity, and happiness.

Having said thus much in relation to what I deem some of the extreme opinions on both sides of this question, I now wish to call the attention of the committee to the wholesale denunciations of the President of the United States for his official conduct in relation to the Territories of California and New Mexico. We hear repeated, day by day in this Hall, and the opposition press of the country reiterates the charge, that the President of the United States has been guilty of a usurpation of power, and a violation of the Constitution, in doing what he conceived to be his duty in relation to those Territories.

In answer to this, I wish to read to the committee an extract from the President's special message upon this subject.

It will be recollected that a resolution passed this House, at the instance of the gentleman from North Carolina, (Mr. VENABLE,) on the 31st December last, making numerous and strict inquiries of the President in reference to the Territories of California and New Mexico. And, in answer to this resolution, the message and documents now before us give full and truthful information.

The President, amongst other things in this message, says:

"On coming into office, I found the military commandant of the department of California exercising the functions of civil governor in that Territory; and left, as I was, to act under the treaty of Guadalupe Hidalgo, without the aid of any legislative provision establishing a government in that Territory, I thought it best not to disturb that arrangement, made under my predecessor, until Congress should take some action on that subject. I therefore did not interfere with the powers of the military commandant, who continued to exercise the functions of civil governor as before; but I made no such appointment, conferred no such authority, and have allowed no increased compensation to the commandant for his services.

"With a view to the faithful execution of the treaty, so far as lay in the power of the Executive, and to enable Congress to act, at the present session, with as full knowledge and as little difficulty as possible, on all matters of interest in these Territories, I sent the honorable Thomas Butler King as bearer of despatches to California, and certain officers to California and New Mexico, whose duties are particularly defined in the accompanying letters of instruction, addressed to them severally by the proper departments.

"I did not hesitate to express to the people of those Territories my desire, that each Territory should, if prepared to comply with the requisitions of the Constitution of the United States, form a plan of a State constitution, and submit the same to Congress, with a prayer for admission into the Union as a State; but I did not anticipate, suggest, or authorize the establishment of any such government without the assent of Congress; nor did I authorize any government agent or officer to interfere with, or exercise any influence or control over, the election of delegates, or over any convention, in making or modifying their domestic institutions, or any of the provisions of their proposed constitution. On the contrary, the instructions given by my orders were, that all measures of domestic policy adopted by the people of California must originate solely with themselves; that while the Executive of the United States was desirous to protect them in the formation of any government republican in its character, to be, at the proper time, submitted to Congress, yet it was to be distinctly understood that the plan of such a government must, at the same time, be the result of their own deliberate choice, and originate with themselves, without the interference of the Executive.

"I am unable to give any information as to laws passed by any supposed government in California, or of any census taken in either of the Territories mentioned in the resolution, as I have no information on those subjects.

"As already stated, I have not disturbed the arrangements which I found had existed under my predecessor.

"In advising an early application by the people of these Territories for admission as States, I was actuated principally by an earnest desire to afford to the wisdom and patriotism of Congress the opportunity of avoiding occasions of bitter and angry dissensions among the people of the United States."

Thus showing, conclusively, that when he came into office on the 4th March,

1849, he found the civil and military governor, appointed by the late President Polk, exercising the functions of civil governor of California. That he did not disturb this arrangement of his predecessor. And the President affirms, that he made no such appointment, conferred no such authority, and had allowed no increased compensation to the commandant for his services.

Now, Mr. Chairman, was there any usurpation in this?

Left as the President of the United States was, under the treaty of Guadalupe Hidalgo, without the aid of any legislative provision, establishing a government in California, what better could he do, than to continue the military commandant of that department in the exercise of the civil authority with which he was clothed under the prior administration. Then, sir, I say, in this there was no usurpation of power by the President.

He further informs this House, that with a view to the faithful execution of the treaty, so far as lay in the power of the Executive, and to enable Congress to act at the present session, with as full knowledge, and as little difficulty as possible, on all matters of interest in these Territories, that he sent the Hon. Thomas Butler King, as bearer of despatches, to California, and certain other officers to California and New Mexico, whose duties were defined in their letters of instructions. These letters are transmitted to this House. And upon looking over them carefully, and particularly the letter addressed by the Secretary of State to Mr. King, dated at Washington, April 3d, 1849, I am unable to discover any usurpation of power, or attempt at usurpation, on the part of the President of the United States.

Provision had been made by the treaty with Mexico for the admission of these Territories into the Union as States; and in the mean time the Government of the United States was bound to protect the inhabitants residing in them in the free and entire enjoyment of their lives, their liberty, and property, and in the exercise of their civil and religious rights. I ask attention to these provisions of the treaty:

"ARTICLE 8.—Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

"Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

"In the said territories, property of every kind, now belonging to Mexicans not established

there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy, with respect to it, guaranties equally ample as if the same belonged to citizens of the United States.

"ARTICLE 9.—The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the federal Constitution, to the enjoyment of all the rights of citizens of the United States. In the mean time, they shall be maintained and protected in the enjoyment of their liberty, their property, and the civil rights now vested in them according to the Mexican laws. With respect to political rights, their condition shall be on an equality with that of the inhabitants of the other territories of the United States, and at least equally good as that of the inhabitants of Louisiana and the Floridas, when these provinces, by transfer from the French republic and the crown of Spain, became territories of the United States."

You are aware, Mr. Chairman, that though this House passed a bill at the last session to establish a Territorial Government for California, that it did not pass the Senate; and thus both California and New Mexico were left as we received them by the treaty with Mexico. Congress did, however, so far aid the Executive as to extend the revenue laws of the United States over the territory and waters of Upper California; and certain mail facilities were extended to the same Territory. And whatever the President could do, by virtue of the treaty, under the Constitution and the acts of Congress, to give the people of those Territories civil government and protection, it was his duty to perform. In sending Mr. King, as the agent of the United States to California, to convey assurances to the people of that country, of the desire of the President to extend to them all the aid in his power to secure their peace and happiness, surely there was no usurpation. Mr. King was instructed, that whatever form of government might be adopted by them with a view of submitting the same to Congress, must originate solely with themselves; and this form of government must be adopted by them without the interference of the Executive of the United States.

The laws of California and New Mexico, as they existed at the conclusion of the treaty, remained in force in those Territories; and there was no usurpation in the efforts of the President to co-operate with the friends of order and good government, to uphold the new relations of the people of those Territories with the Government of the United States. Mr. King expressly disclaims any interference on his part to induce the people of California to adopt any particular plan or scheme for their State Constitution. And whatever has been done by those people, evidently originated with themselves; and the only inquiry we can now make in reference to their constitution is, whether it is republican in its character.

I believe, Mr. Chairman, that it is republican in its character. And I am now ready and willing to vote for the admission of California into the Union

as one of the States of this Confederacy, with her constitution as her people have formed it, and with the limits and boundaries therein designated.

Mr. Chairman, the frank and manly avowal of the President, that, "in advising an early application by the people of California and New Mexico for admission as States, he was actuated principally by an earnest desire to afford to the wisdom and patriotism of Congress the opportunity of avoiding occasions of bitter and angry discussions among the people of the United States," should commend his action in reference to these Territories to the generous and kind consideration of all intelligent and good men throughout the country. And I must now say to this committee, that, if the question is forced upon me, I shall vote to exclude slavery from all the territories acquired from Mexico; but I concur in the views so ably presented this morning on this subject, by the distinguished and honorable gentleman from New York, (Mr. JOHN A KING,) in a speech which did him honor, and in support of the wise and patriotic policy recommended by the President of the United States. I have been ready for months to admit California, and to give a seat in the House to the Delegate from New Mexico, who (as I was told to-day by that gentleman himself) represents about ninety thousand inhabitants, principally native Mexicans and Americans, and comprising some five or six thousand Indians. Sir, whilst we have properly admitted Delegates upon this floor from Oregon and Minesota, whose populations are small compared with that of New Mexico, we have delayed action in relation to the Delegate duly accredited to us by New Mexico, until he deems it his duty to return to his constituents and report to them his entire failure to receive from this Congress the usual courtesy extended to Territorial Delegates!

In connection with this subject, it seems to me that it is well for us to recur to what was said by the President of the United States in his annual message, dated 11th December, 1849. In that message, amongst many other admirable recommendations, the President said:

"No civil government having been provided by Congress for California, the people of that Territory, impelled by the necessities of their political condition, recently met in Convention, for the purpose of forming a constitution and State government, which the latest advices give me reason to suppose has been accomplished; and it is believed they will shortly apply for the admission of California into the Union as a sovereign State. Should such be the case, and should their constitution be conformable to the requisitions of the Constitution of the United States, I recommend their application to the favorable consideration of Congress.

"The people of New Mexico will also, it is believed, at no very distant period, present themselves for admission into the Union. Preparatory to the admission of California and New Mexico, the people of each will have instituted for themselves a republican form of government, 'laying its foundations in such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.'

"By awaiting their action, all causes of uneasiness may be avoided, and confidence and kind

feeling preserved. With a view of maintaining the harmony and tranquillity so dear to all, we should abstain from the introduction of those exciting topics of a sectional character which have hitherto produced painful apprehensions in the public mind; and I repeat the solemn warning of the first and most illustrious of my predecessors, against furnishing 'any ground for characterizing parties by geographical discriminations.'"

And now, Mr. Chairman, was there not true wisdom, far seeing sagacity, and the most comprehensive and enlarged patriotism, in this recommendation? The most exciting topics of a sectional character have been discussed here for nearly six months, producing sometimes painful apprehensions; and nothing is yet done to carry out this wise recommendation of the President, and very little progress has been made in the public business. I wash my hands of all blame in this neglect of the public business; for, having been a constant attendant here—not having lost a day since the commencement of the session—I have been ready and willing, at all times, to lend my aid, in any practicable mode, to carry out the judicious recommendations of the President, and by prompt action to promote the public interest.

Mr. Chairman, I now leave this subject, and avail myself of this opportunity to refer to some other subjects, to which I may with propriety allude, whilst we are in Committee of the Whole on the State of the Union.

Amongst other things, I wish to refer to the difficulties encountered by the Whig party, by the friends of the present Administration, in the organization of this House. I disown any share in those delays and difficulties, brought about, as I believe, by the unwise action of some members on this floor, sent here by Whig constituents, and with whose co-operation we might have elected a Whig Speaker, and have secured a Whig organization. But we were met with indirect opposition to the honorable and highly distinguished gentleman from Massachusetts, (Mr. WINTHROP,) our candidate for the Speakership; and thus the power of this House was arraigned against a Whig President, contrary, in my opinion and judgment, to the will and feelings of the great body of the American people. Let those who assumed this great responsibility, and whose course has thus far delayed the public business, bear the blame that may justly fall upon Congress for any evils that may befall the country by this untoward result. It is undoubtedly true, that if those who were sent here by Whig constituents had with generosity, moderation, and wisdom, co-operated in our organization, we might ere this have carried out many of the recommendations of the President, or, at least, might have considered and acted upon them.

I am rejoiced to have an opportunity of adverting to the statesmanlike recommendations contained in the President's annual message, relative to agriculture, commerce, manufactures, and various other subjects; and especially to his recommendation in relation to the existing tariff.

He there avows that great Whig principle, so much canvassed in our elections, and so essential to the prosperity of our country, that it is "the right and duty of Congress to encourage domestic industry, which is the great source of national, as well as of individual wealth and prosperity." And he strongly recommends that a system of *specific duties* be adopted, as best calculated to ensure a due *encouragement and protection to American industry and labor.* Surely, sir, this recommendation of the President, made at the commencement of our session, should long since have commanded our careful attention; but in the never ending discussions in relation to negro slavery, this and other wise recommendations of the President have been left to slumber, forgotten in the recesses of the committee rooms. From this gross neglect of the public business, I clear myself. Those who have the power in this and the other branch of Congress have taken, and they must bear, the responsibility of this almost criminal neglect.

Sir, I have been ready for months to take up the important subjects, which should be acted upon, and dispose of them in the way best calculated to promote the prosperity and interests of the whole country. As this debate is about to close, I trust that we shall immediately proceed to something practical, especially a revision of the tariff, and to pass the annual appropriation bills, several of which have never even been reported, although it lacks less than a month of the expiration of the fiscal year. The great manufacturing interests of the country, especially the iron interests, in which so vast a number of the people of Ohio, Pennsylvania, and other States are interested, need the prompt and efficient action of Congress, to protect our American labor against the overgrown capitalists and pauper labor of Europe.

I know, Mr. Chairman, that many of the most valuable recommendations in the annual message of the President will be pretermitted by Congress, during the present session, under the allegation that until the slavery questions are disposed of, no other subject can command the attention of the People's Representatives And I know, also, that the President is daily abused by a violent party opposition, and by some of the mercenary prints of the country—not only for his honest recommendation at the commencement of the session, but even now, because he does not, as is alleged, co-operate with those in Congress, who seek a different and more comprehensive mode of adjustment of our Territorial difficulties. Sir, I do not conceive it to be the duty of the President to endeavor, by his executive position and influence, to mould the action of Congress, or to dictate to the Senate and House of Representatives what is best to be done. All he can do is, from time to time, to give information to Congress of the State of the Union, and to recommend to their consideration such measures as he shall judge necessary and expedient. This he has done, I believe. And

I will venture to say, that if Congress should, in considering the state of the Union and the President's recommendation, adopt a plan of adjusting our territorial questions, differing from the one he recommends, yet reasonable, practical, and constitutional—that no one would more cheerfully approve and adopt it than the President himself. But, Mr. Chairman, he must be a poor observer of passing events at the seat of Government, who does not see the strongest evidences that the greatest difficulties in adjusting all these territorial questions, arise from the schemes and machinations of party, and the desperate efforts of politicians to break down the present Whig Administration. I greatly regret that I am compelled to believe that such is the fact. Many of the most eminent Whigs of our country—men who would fill with honor and pre-eminent distinction any office—propose a new and different plan from that recommended six months ago by the President. I know their patriotism and respect their motives; but this very fact is seized upon by violent men of the opposition, to show, as they think, to the people, that President Taylor's Administration is unpopular; and they almost revel in the hope, that what they esteem an important dissension amongst the Whigs, may lead to a total destruction of the Whig party. Sir, in my humble judgment, they are greatly mistaken. Whigs always claim the right to differ, and to present their own plans for the consideration of the country, when great national questions are mooted, or great national difficulties are to be adjusted. And whilst I disclaim any prejudice or imputation of improper motives against those who arraign the President's recommendation, I must here be permitted to say, that I have yet to learn that there are "bleeding wounds" in the country which the President is unwilling to heal, so far as may be in his power. No, sir, I believe the President is actuated by pure, patriotic, and disinterested motives, in the discharge of his official duties. And the people of the United States, who placed him in the chief executive chair, have entire confidence in his fidelity, his patriotism, and capacity to discharge the high trust committed to his care.

Sir, the daily appeals made to us to heal the distracted counsels of the country, have lost their force outside the walls of this Capitol. I believe that the whole country yet exhibits (in spite of bad legislation, or want of legislation) a greater degree of prosperity, happiness, personal security, personal liberty, and security for private property, than any other nation on the face of the globe. I can say, I think, with pride and truth, that under the Whig Administration of President Taylor peace reigns throughout our borders. Peace reigns in the valleys of the Mississippi and the Ohio, and all their splendid tributaries. The millions within the range of the Alleganies and Rocky Mountains are as calm as a summer morning. The toiling millions, who cultivate the soil and manage your workshops, who beautify the surface of the earth, make your

splendid works of internal improvement, and build up your cities, loudly call upon us to act without delay, and promptly discharge the public business. And as to a dissolution of the Union, whether threatened by sectional meetings, North and South, or by men in high places,—these same millions of American freemen, scorn those who would break down the system of Government established by our revolutionary fathers, or do any act tending to a dissolution of the union of these United States. Time will crumble this Capitol into dust, before the people will listen with any respect to any proposition looking to a dissolution of the union of these States. Sir, I believe the President of the United States is devotedly attached to the Union, and that the people will stand by him in all his official acts to maintain and uphold it. And why should any man for a moment desire so dreadful a calamity as a dissolution of the United States of America? Was not the Union formed by the joint sacrifices of such men as Washington and Franklin, of Adams and Jefferson, of Madison and Rutledge, and others, who pledged their lives, fortunes, and sacred honor, to establish our liberty, and then framed the Constitution to secure to the people of this country, for all time, the blessings of a free republican Government? Look at the results. What nation on earth ever exhibited, in so short a time, so large an amount of progress in every thing that tends to make man free, prosperous, and happy? In this vast Republic, now extending from the Atlantic to the Pacific ocean, and from the Northern lakes to the Gulf of Mexico, is found a country so vast in extent, so fertile and so beautiful, so prosperous and so desirable, that it may well be said, that

"A land more fair and happy,
Never sun viewed in his wide career."

Then, Mr. Chairman, we should, by wise legislation and moderate counsels, endeavor to preserve this glorious heritage. We should stand by the Union—we should stand by the President, who is determined to uphold it. And though I believe the President, were he to consult his own feelings, would prefer the quiet and peaceful pursuits of private life, yet, as the people of this country have called him to his high post, that he will continue to fill it, as he had filled it, with true honor, and with simple and unaffected republican grace. And for one, I can only say, that while I can raise my voice, or wield an arm in its defence, my voice shall be heard, and my strength exerted, to preserve, protect, and defend the union of these States against all foes, foreign or domestic.

Hear what the Whigs of Ohio, the 138,000 Whigs who voted for the President, by their delegates, say in a recent convention at their capitol:

RESOLUTIONS.

Resolved, That we have undiminished confidence in the honesty, capability, and patriotism of President TAYLOR; that we heartily approve of his Administration, and earnestly commend it to the support of the people of Ohio and the Union.

Resolved, That we cordially approve of the recommendation of President TAYLOR's message in favor of the immediate admission of California, and that Congress should admit it immediately, independent of all other propositions.

Mr. Chairman, I might prolong this debate by referring in terms of commendation to many of the measures of the present Administration, as eminently conducive to the public prosperity. But time admonishes me to forbear. I will, however, take this occasion to say, that the President has surrounded himself with a Cabinet, some of whom are personally known to me as among the most eminent men of this country; and that, thus far, his Administration commands, and should receive, the cordial support of the people of the United States. Look, sir, at the admirable manner in which the foreign relations of the country have been conducted. Note the treaty recently formed with England to secure a speedy communication between the Atlantic and Pacific waters at Nicaragua, thus opening one of the greatest highways for all nations to California and the East Indies that the world ever saw. At any other time this treaty would be hailed as a great achievement for any Administration; but in the present, when all engrossing attention is given by Congress to our new territorial acquisitions, but little has yet been said about it. Time, I trust, will show its great importance, and that, in addition to its vast commercial importance, it will redound to the peace and prosperity of the two great nations who have formed it.

In conclusion, Mr. Chairman, let me here avow my readiness to press forward the public business, and to aid in consummating that for which we were sent here. And I sincerely trust that all our discussions and violent debates may at last appear to have been only the ebullitions of popular liberty, and that our session may result in wise action and beneficent legislation.

ADMISSION OF CALIFORNIA.

SPEECH

OF

HON. J. H. THOMAS, OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES, MAY 27, 1850,

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. THOMAS said:

The California message was delivered to this House on the 21st of January last; and it has now been under discussion for four months.

I have been unable to obtain the floor until this late period; yet late as it is, I propose to express my views upon the subject. The "President's plan" has been often condemned, and never until last week has any southern member raised his voice in its defence. The honorable gentleman from Virginia [Mr. HAYMOND] has the honor (if honor it be) to be the first member from the South (if he may be called southern, being from that part of Virginia lying between Pennsylvania and Ohio) who has spoken in its favor. And how has it been from the North? Three or four northern men have sustained it, and they do so as a second choice, it being the next best thing in their estimation to the Wilmot proviso.

This short history shows with how little favor it is received. There may be others who will support it, but as yet they have made no declaration of such an intention. What is this "plan?" It is to admit California and to leave the territories without a civil government. And this is said to be a wise statesman-like "plan." If the North should insist that we must raise a revenue by a protective tariff, and the South that it should be collected by a revenue tariff, and the President should propose to settle the difference by advising to collect *no* revenue,—this, then, would be "wise and statesman-like." If the country were at war, and the North should insist upon a defence by sea and the South by land, and the President should compromise the difficulty by urging that no defence should be made,—then this would be "wise and statesman-like." So when the North insists that the territories shall be governed with the proviso, and the South that they shall be governed without it, it is "wise and statesman-like" for the President to recommend that they shall not be governed in any way.

The "President's plan" has so few advocates that it is needless to consume time in its discussion. So far the indications are, that the Administration is powerless to carry out its own plan; but it may be powerful for evil in defeating other plans for the settlement of this alarming question.

A plan for a compromise is now under consideration in the other branch of Congress. This plan, though, so far as I can judge, it does not do justice to the South, and should not be passed without important amendments, yet it is now proposed and advocated by its friends from just and patriotic motives. First among its advocates stands the senior Senator from Kentucky, [Mr. CLAY,] who has been the architect of the Whig party, its leader in its greatest trials. His great object is, to settle all difficulties upon the subject of slavery, and to quiet, and quiet forever, this agitation upon the subject. This is a patriotic object, one that should command the respect of every well-wisher of the Union; yet, sir, we find the Administration arrayed against it, and every northern friend of the Administration in the Senate and in this House, so far as is known, are opposing it. In the Senate, they voted against the compromise committee, and they voted to lay the compromise bill upon the table—thus endeavoring to defeat even the effort for a settlement. And, sir, so far as the northern Whig members of this House have indicated their opinions, they are for a corresponding effort to thwart all proposed adjustment. It remains yet to be seen, whether the friends of the Administration south (some of whom may favor, without the boldness to advocate the plan of the President) will yet aid it by opposing all others, for the defeat of all others is the success of the President's plan, it being simply to do nothing, so far as concerns the territories; and the resistance of all measures to settle this question, so far, seems the chief aid that the President receives from his friends in both branches of Congress. And, sir, when we remember, that barely two years ago, in a time of war, when military governments were established by the late Administration, how bitterly this measure was denounced by the Whig party north and south, and when the friends of that Administration justified it alone upon the ground that it was authorized by the laws of war, and that so great was the condemnation of the Whigs, that they threatened to impeach the President for what they were then pleased to call high-handed usurpation, now, sir, when it is recommended by the President of their own choice to continue such military rule indefinitely, in a time of peace, as the settled policy of the country, and for this President to ask many of the identical men, who were loudest and boldest in their denunciation of this very measure, even in a time of war, now, in a time of peace, to sustain it, I am not surprised that they should hesitate, and even refuse, to give it their support.

The importance of creating civil governments for these territories has been so ably discussed by those who have preceded me, and is so generally approved, that I think it needless to say more upon this part of the subject.

Can it be true that this great and happy Government is in danger? If so, whence comes it? If a stranger were told the history of the trials and dangers encountered and overcome, and the un-

paralleled advancement and improvement of the country, and the universal prosperity that overspreads this Republic, and then told that all this was in imminent peril of destruction, he would look abroad to see what great enemy to happiness and to man was approaching—what fell serpent was seeking the destruction of this fair Eden of the earth. It would never be supposed that the danger came from any of the recipients of these unnumbered blessings—from any of the children of this Government. Yet strange as it is, it is true, that the danger comes from no foreign invader—from the hands of no ruthless barbarian, but from the discontents, jealousies, and sectional feelings of our own citizens. From this source all real dangers to this Government have ever come. It may be said that our General Government is created and controlled by a Constitution—that all have assented to this, and all should be therewith content. This is true; but since the adoption of this Constitution two parties have existed in the country, one that insists that the Constitution shall be construed strictly, and another contending for a more liberal construction—(I mean not so much to apply these remarks to the political parties, Whig and Democrat which now prevail, for there are many Whigs who contend for this general rule of strict construction, and at this day there are some who claim to be Democrats who are for measures that cannot be maintained but by the most unlicensed construction of that instrument.) Refer, if you please, to the history of the past. During the existence of this Government, from the adoption of the Constitution to this hour, whenever Congress has confined itself to the exercise of its powers as granted by the plain letter of the Constitution, its measures have received almost the universal acquiescence of the people, and harmony and peace have prevailed. And on the contrary, every serious discontent has arisen from the unwarrantable attempt upon the part of Congress to increase and usurp powers, beyond those granted in its creation. This was true in 1798, when Congress restrained the liberty of the press. It was so in 1820, when Congress assumed the power over slavery in the territory of Missouri. It was so in 1832–'3, the days of nullification, when Congress claimed the power to tax one portion of the people of the Union for the benefit of another, by means of a protective tariff, "a tariff for protection merely." It is so now, when Congress is attempting to control the subject of slavery in the Territories.

Every member, before he was permitted to enter upon the discharge of his duties here, was required and did take an oath to support the Constitution. Now, sir, under this oath how are the members from the various sections of the Union to vote upon this important question of slavery in the Territories?

A majority of the southern Whigs will say that the Constitution confers no powers upon Congress to legislate upon the subject of slavery other than those specially enumerated; that this grant of power was made for the benefit of the grantors—the people and the States—and that it must be strictly construed. A true Democrat will tell you that it has ever been a fundamental principle of his party, that Congress has no powers but such as are plainly given by the Constitution; that it was upon that principle that his political ancestors contended with the elder Adams and defeated him; that it was upon the same principle his party resisted the efforts of the North to defeat the admission of Missouri; and that it is upon this principle that his party has ever opposed a "tariff for protection;" and that it was upon this principle that Andrew Jackson fought and vanquished the United States bank; and that upon the same time-honored principle he will now vote against the present assumption, this wicked union-destroying effort to exclude the South from a share of the newly-acquired territories. Sir, if there is any consistency in men, it is easy to know how the real Democrats will vote upon this measure. They will oppose it by every means in their power. To these two classes, then, I have little to say.

But there are others here to whom much may be said. How will the northern Democrats vote? Just here, I take pleasure in quoting from the speech of my honorable colleague, Mr. WILLIAMS. He says:

"I have heard several members from the other (the Democratic) side of the House declare their willingness to trample under foot the Wilmot proviso, and so to quiet the public mind; and I am also informed, from a reliable source, that there are twenty Democrats, members from free States, willing to risk their popularity, and settle the question, and on terms demanded by the South two years ago. I honor them, both for their patriotism and their courage. It has been my boast that I had ever belonged to the great conservative party of the Union—to the Whig party. It is a mortifying fact to me, that up to this hour, no Whig in the House of Representatives has yet avowed, in his place, his determination to follow the self-sacrificing example that has been set on the other side.

Now, Mr. Chairman, the remark of this gentleman is still true—no northern Whig in this House has yet avowed himself as being ready to give the South any portion of the newly-acquired territories. Upon what principle does this party—the northern Whigs—construe the Constitution? This party repudiate the old republican doctrine of strict construction, and have always labored to enlarge the powers of the General Government, by every means; upon this ground they have ever acted—upon it they sustained the alien laws of John Adams, they opposed the admission of Missouri, they go for protection, they advocated the charter of a United States bank—and upon the same principle they now insist upon their power to exclude slavery from the territories. These gentlemen are the only ones who can consistently support the proviso. To such men it is useless to argue the constitutional objection; they have been so long accustomed to construe that instrument to suit their own ideas of expediency, that it is labor lost to attempt to change their views upon this point; and we, as a last resort, must seek to convince them that their proposed restriction is inexpedient. Unless we should succeed in this, they will vote for it, be the consequence ever so disastrous. So far, then, we have only the northern Whig party for this measure of exclusion against the South, and the Democratic party and the southern Whigs against it. But, sir, there is another class of men here who unite with the northern Whigs in supporting this measure—a class, too, which has to repudiate the great principle upon which they claim a distinctive political existence, and do this to enable them to associate and affiliate with a party which they have ever denounced and still denounce as old Federalists,—and now, sir, they are contradicting all that they have ever said and putting the seal of condemnation upon all their protestations. I say this not by way of irritating or wounding the feelings of gentlemen, but because they are sober truths.

But, sir, is it true that the Constitution of the United States vests no power in Congress to exclude slavery from the Territories? Mr. Madison, in his letter to Mr. Monroe of the 23d of February, 1820, speaking of "whether a territorial restriction be an assumption of legitimate power," says—"for myself I must own 'that I *have always* leaned to the belief that 'the restriction was not within the true scope 'of the Constitution." We will not rely simply upon the opinions of men—we will refer to the Constitution itself, and here if such power exists surely its friends can point it out. It is a remarkable fact, that it is rare that you hear a northern man refer to the Constitution upon this subject. A power is claimed by them, under the Constitution; it is denied by the South; and those who claim it seldom refer to that instrument, and more seldom agree as to what part contains the grant. One will have it that the power to declare war and to make treaties, must extend to the government of the territories that may be acquired by their means; and to govern, they maintain, gives authority to exclude slavery. Another will have it that the clause authorizing the Congress to "make all needful rules and regulations respecting the territories and other property of the United States," gives the power; whilst quite a number place it upon the ground of precedent, and say that it has been done and acquiesced in, and should therefore be done again. Others say that the power results from the whole instrument taken together. These are all the grounds I remember to have heard claimed. Let us consider them severally, and see what they avail. It is a principle generally admitted, that where a country is gained by conquest or by purchase, the sovereignty of the acquired country is merged in the sovereignty of that to which it is annexed. In monarchical governments, as in Great Britain, where the theory is that the King is the source of all power and honor, and that all the property and liberties of the subjects are enjoyed merely by favor from the monarch, and that all sovereignty not expressly granted to other branches of the government or to the people still vests or remains in the King, there the sovereignty of acquired territory vests properly in the Crown. I understand this to be good law—good British law—so held and approved in England, and it is probably so in all the Governments of Europe; but it is not so in the United States. Here the people are sovereign, originally, in their own right. By means of the Federal Constitution they created a Government, and vested it with only so much sovereign power as was deemed indispensable for the purposes for which they created it. So intent were the framers of the Constitution upon this, that they made it an article, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

Upon the theory of the British Government, the sovereignty of acquired territory vests in the King; by the American it vests in the States or the people, except so far as the grants of the Constitution vests it in the General Government. The General Government can do nothing as principal, but must act solely as the agent of its creator. Its acquisitions are for the States and the people, and not for itself. When it acquires territory, it is for the States and the people, and it must dispose of it alone as the States and the people have directed in the Constitution. It has no original sovereignty over it. It cannot establish a religion, grant titles of nobility, or do anything forbidden by the Constitution, or not authorized by that instrument, more than in the territories possessed by the United States at its formation; and all subseqently acquired territory is in the same situation, and to be disposed of in a similar way with that first held by the General Government. The result of such an acquisition by treaty or conquest is to place the territory thus acquired under the power of the Government, to dispose of and make all needful rules and regulations respecting it, as of other property of the United States. There is, then, not even a fair pretence upon this ground to authorize the passage of the "proviso."

The question then occurs, what authority is conferred by the Constitution upon Congress by the clause which says, "the Congress shall have 'power to dispose of, and make all needful rules 'and regulations respecting the territory or other 'property of the United States." Is the "proviso" 'a needful rule" or "regulation?" Congress has heretofore established many territorial governments without it. I may mention the Mississippi, Florida, Orleans, and Arkansas territories, at the South, and Minnesota at the Northwest. In these southern and southwestern territories slavery existed and continued until they were admitted as States, and still exists. It never was "needful" that slavery should be excluded from these territories. This Government has existed now more than sixty years, with ever-increasing prosperity; and during all this time it has never been deemed needful to exclude slavery from any portion of the country south of the line of the Missouri compromise, (and of this line I propose to speak further before I have done.) New Mexico and California were acquired by the treasure and blood of the whole Union, and it is not controverted, that the South at least contributed her full proportion. This newly-acquired territory is, then, the common property of the thirty States of this Union. Now, sir, is it needful, is it just, to exclude one-half of the Union from the enjoyment of these territories? We refer to the Constitution to ascertain the true and just understanding between the States. At the time of its adoption nearly all of the States held slaves; and can it be for a moment believed that it was intended, by this large majority, that it should ever be in the discretion of the General Government to decide whether it was "needful" to exclude an institution which they all legalized within their limits?

The clause under consideration extends not only to the making of "all needful rules" and "regulations" respecting the territories, but also respecting other property of the United States; and if it authorize the proviso as to the territories, it equally authorizes it as to the "other property." The United States own land, which is property, in New Mexico, in Illinois, and in Alabama. If to "make needful rules," &c., authorizes Congress to exclude slavery, it will authorize it alike to introduce it; and it will necessarily follow that Congress has the power to exclude slavery from the public lands in Alabama or Louisiana, and to introduce it into Illinois or Michigan. This is but the fair incontestable result of the power contended for, and yet this proposition is so absurd that there is no one who will give it his assent.

Now, sir, let a case analogous to this be stated, appertaining to the common affairs of life. And

the principles of justice are the same in all relations, whether as States or individuals. Let a partnership exist, with articles of partnership stipulating how its affairs shall be managed. Let it be provided that a majority of the partners shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the firm; and under these stipulations, lands have been acquired, and have become the common property of the partnership. Now, sir, the plain law and justice of the case would be, that the several partners may enjoy it to an equal extent. But let a majority of the partners become prejudiced against some of the family of the other partners, and under the article that authorizes them to make all needful rules and regulations, they should undertake to exclude the minority from all enjoyment of this common property. In this case, no man who claims for himself the least honesty or respectability, would hesitate for a moment to declare that the claim set up by the majority was arrogant and unjust in the highest degree. And yet this case differs in no essential particular from the one now under consideration.

But, sir, we may make the case still stronger. The minority says to the majority, if such is your opposition to us, and such your prejudices against us, that you will not enjoy this property in common with us, though you have no right to do so, yet for the sake of harmony, if you will set apart to us but a reasonable share of this common property, we will be content. No one would hesitate to say this is surely a fair proposition, such an one as if there be any justice in the majority they will accept.

If thirty wholly separate and independent governments had banded together for one common purpose, that of waging the recent war against Mexico, and carried it on in common, as that war was prosecuted, each nation furnishing its fair proportion of men and money, and the same had been terminated by a joint treaty by these allied nations upon the one part, and Mexico upon the other, and this country had been thus acquired, and we were now called upon to divide the acquisition among the several allies, would any gentleman propose to exclude one-half of these independent nations from any part in the division? No gentleman of respectability would hazard his reputation for honesty or intelligence by avowing such an opinion. Are not the States of this Union independent nations, except so far as they have severally abridged their sovereignty by the Constitution? But for the Constitution, upon every principle of justice, each State would be entitled to an equitable part of the new territory. No man dare controvert this. This is but common justice—manifest, unquestionable justice. If it is otherwise under the Constitution, then that is but an instrument of oppression to enable a majority to tyrannize over a minority. This is a palpable absurdity, and cannot therefore be true.

Again: to rule and to regulate, or "to make rules and regulations respecting," does not mean to create or destroy, to introduce or to exclude. It is a legitimate mode of interpreting these words to refer to the manner in which they are used in other parts of the Constitution. By that instrument, Congress has power to "*regulate* commerce among the several States." Yet it is not pretended that it may exclude or destroy. Again, it gives Congress power "to make *rules* for the government and *regulation* of the land and naval forces." Yet, by the framers of that instrument, it was deemed necessary to go further, and they did so, and directed in the Constitution that Congress shall have power "to raise and support armies," "to provide and maintain a navy."

But, sir, in the hour to which I am limited, I have not time to follow this argument further. The power claimed is nowhere expressly granted in the Constitution, and there is not the slightest ground to infer that it was intended by its framers. There is another class of individuals who, unable to point out any one or more clauses of the Constitution that gives the power of exclusion, say that it results from the whole instrument. Now, sir, let it be remembered that the States that formed the Constitution were equal, and that one great object in view was the maintenance of this equality. This is admitted to be one of the leading objects of the Constitution. With this fact admitted, that the Constitution was formed to preserve this equality, and that nevertheless a power results from this instrument to exclude a part, and thereby to render them unequal, is, to say the least, an absurdity. Do equals added to equals give unequals? "Do men gather grapes of thorns or figs of thistles?" The absurdity has but to be stated to become at once manifest. Such false reasoning is in no case excusable, but least of all to pervert the Constitution of the country, and to justify the usurpation of the rights of a great portion of our good citizens.

There are others who make the claim mainly upon the ground of precedent, and they refer to the ordinance of 1787, excluding slavery from the northwestern territory; but they seem to forget that this ordinance was made before the adoption of the Constitution, and was, in the language of that instrument, an "engagement entered into before the adoption of the Constitution, and therefore declared 'valid;'" and upon this ground it was observed, as preëxisting, and not as created under or by authority of the Constitution. This destroys the whole force of the pretended precedents in relation to the territories subsequently formed north and west of the Ohio river, and all precedents for the first thirty years of this Government.

And here I may remark, that the object intended to be effected by the ordinance of 1787, was not to exclude the slaves then in the United States, but to check their importation. Mr. Madison, in his letter to Mr. Monroe of the 10th February, 1820, speaking of the ordinance of 1787, and after remarking upon the object of the restrictionists, that it is not the welfare of the slaves, or the check to their increase, that is the object they have in view, says:

"The real object is, to form a new state of parties, founded upon local instead of political distinctions, thereby dividing the republicans of the North from those of the South, and making the former instrumental in giving the opponents of both an ascendency over the whole." * * * "I have observed as yet, in none of the views taken of the ordinance of 1787, interdicting slavery northwest of the River Ohio, an allusion to the circumstance, that when it passed, the Congress had no authority to prohibit the importation of slaves from abroad." * * * Had such an authority existed, "can it be doubted that it would have been exerted, and that a regulation having merely the effect of preventing the interior disposition of slaves actually in the United States, and creating a distinction among the States in the degree of their sovereignty, would not have been adopted or perhaps thought of?"

Here, sir, we have the testimony of Mr. Madison, that this ordinance was not intended to affect

slavery as it then existed, but was adopted as a means of checking the foreign slave trade—a trade which has been long since abolished under our Constitution.

We are next referred to the "Missouri compromise" as being a precedent clearly establishing this power in Congress. When this act was under consideration, the North claimed the power to exclude slavery from every portion of the territory, the South wholly denied it, and the act passed allowing it in part and excluding it from part, and it was called the Missouri compromise; and from that day to this, here and everywhere, when referred to it is called the "compromise." A compromise is not a decision—its very name takes from it all force as a precedent; and further, it was passed by the votes of the North against the majority of the southern members of Congress; yet if gentlemen will insist that it is a precedent, what does it avail? The North claimed the power to abolish slavery in the then Territory of Missouri, or exclude it from becoming a State of this Union; the South denied the power, and insisted that Missouri should be admitted with slaves; the North receded, and Missouri was received with slaves; and Missouri is indebted to the South for her final admission into the Union as a State upon terms of equality with the other States. This is so far a precedent against this power. But in the same act Congress excludes slavery from all other of the Louisiana territory north of 36° 30'. This may be considered as so far a precedent for the power; yet it is but the intended equivalent for the concession against the power in the admission of Missouri. This act being at its enactment a compromise, and all subsequent legislation regarding it as a compromise, like the original, it loses all force as a precedent. This is true as to Iowa and to Arkansas, to Oregon and Minnesota. I then maintain that there is no clear well-established precedent to support the power of exclusion that is claimed. But there may be some who differ with me in opinion; to these I would say a word: suppose you believe that there are some one or more precedents—of what force are they? You know that no one of them met the approbation of the people of the whole Union, nor has any one received cordial acquiescence, but they have been passed by northern majorities and submitted to (not acquiesced in) by the South from attachment to the Union. Sir, if these be precedents, (which I deny,) they avail nothing against the South. And, sir, I may well ask, of what avail all precedents to establish a power, where we have a written Constitution? How many times must Congress usurp a power by sectional majorities, to exclude and oppress a minority before the power becomes legalized, and made a part of the Constitution? Can doing a wrong, make it right to repeat it? If so, then Congress may go on adding usurpation to usurpation, until it may exercise any power that a majority may desire, or until the people are driven to resistance. The one is tyranny, the other revolution; and these are alike to be avoided.

I am advocating no new doctrine—it is that in which I have been brought up. When the Whig party formerly advocated a United States bank, and the Democratic party opposed it, as being not authorized by the Constitution, the friends of that measure being unable to produce any such specific authority in that instrument, were forced to rely upon precedent. It is doubtless remembered with what unanimity the Democrats denied the force of precedent to add to the Constitution; and now, sir, I regret to see a part (and I am thankful it is but a part) of the northern Democracy, when they suppose a sectional advantage is to be gained, deserting their old principles and their old friends, to join with the enemies of both, and to aid in their destruction.

The Whigs of the South, many of whom have been yielding more and more to their northern friends in their loose construction of the Constitution, may learn a lesson from the present state of affairs, which, I trust, will have the effect to bring them back to the old republican doctrine of strict construction. The great difference between ours and the British constitution is, that theirs is to a great extent made up of precedent, whilst ours is written, fixed, and certain.

Without the *proviso*, what are the rights of the South in these territories? I maintain that a citizen of the South may go there with his slaves and hold them as safely in bondage as he can in the State from which he emigrates. This is fully established by the positions assumed by the *provisoists* themselves, otherwise why pass the "proviso?" Why pass the exclusion, if we are already excluded? During the last Congress the Clayton compromise bill was under discussion; it proposed to prohibit all legislation upon the subject of slavery, leaving it alone to the Constitution whether it did or should exist in the territories; and the whole Congress, north and south, had to vote upon it. Under the provisions of this bill, if the Constitution protected slavery in the territories, then this bill protected it; if it did not, then the slaveholder was excluded, and that by the Constitution. Here the question was fairly presented; and we find every northern anti-slavery man, Abolitionists and Free-Soilers, voting against it, and their leading men, such as Webster and Corwin, assigning the reason, that if it passed, it admitted slavery in the whole territory; while the whole South, with the exception of only eight members of this House and four in the Senate, voted for it—and the South thus voted because it gave the slave interest all that was asked,—its rights under the Constitution, be they what they might. This is the expression of the opinion of the whole Congress except twelve members, that the Constitution, uncontrolled by congressional action, protects slavery in the territories. This, then, is our right under the Constitution, and I insist that it is absurd to contend that the Constitution gives Congress the power to take from us rights which that instrument itself secures to us, (the North, the Abolitionists and Free-Soilers being the judges.) To give these facts their full force, it must be borne in mind that it is asserted by the anti-slavery men that slavery was excluded from these territories by Mexican law previous to its acquisition, and that they contend that these Mexican laws are still in force until expressly repealed; and further, that by the laws of nature, slavery can never exist in any part of this territory. The Clayton compromise forbid the repeal of these assumed Mexican laws, and surely did not affect the laws of nature. Yet in the judgment of these anti-slavery men, to exclude the South from its constitutional rights, they are unwilling to rely upon these alleged Mexican laws which they say are in force, nor are they satisfied with their further position, that it is excluded by the law of nature, but they must go further, and improve upon both, and, in the language of one of their

distinguished men, "reënact the laws of God." Thus it is, error leads to error, and absurdity to absurdity.

We hear it often repeated that slavery cannot be introduced without positive law establishing it. The South asks no such establishment. Now, if these gentlemen believe their own words, what folly it is for them to agitate the country upon the subject, and to hazard the very existence of this Government, to prohibit what they say cannot exist. If the South, desiring to secure a more perfect monopoly of the production of cotton and sugar, were to ask Congress to prohibit the territory of Minnesota from *growing* these articles, how absurd and ridiculous it would be, nature having rendered that impossible which was sought to be prohibited, and what madness and folly would it be to endanger the Union for such a sublimated absurdity; yet not more absurd than to peril the prosperity of the Union to exclude slavery where they say the laws of God and man render its existence impossible. It is, therefore, certain that they do not believe their own declarations, or they are "regardless of social order and fatally bent upon mischief." Slavery exists in fifteen of the States of this Union, and it is excluded from fifteen. In the States where it exists it was not established by law, but in those where it does not exist it was and is excluded by positive law. It is not even alleged that slavery was ever established anywhere in the United States by positive law, and it may exist everywhere, unless prohibited. I am not discussing the English law—not inquiring into the question of British ethical physiology, that England's soil will cause the shackles of slavery to fall from the African's limbs,—though it is to be regretted that it has not the same effect upon the enslaved and down-trodden millions of the subjects of that boasted land—but I am discussing the American principle. The fact that slavery does or may exist in the United States, wherever it is not prohibited, abundantly establishes my position. And this leaves the States to manage their own internal affairs, and to abolish slavery in their several limits, as may be deemed for the good of its citizens. The Constitution was careful, however, to provide that, even this right to abolish slavery by a State within its own limits, should not be exercised to the prejudice of the citizens of other States, but requires that fugitive slaves from other States "shall be delivered up," so sedulously were the rights of slaveholders secured. I am not to be understood as contending for a power to make slaves of free persons, for this power does not exist in any part of the Union, even in the most *ultra* slave States; but if the individual be a slave, then the principle is, that you may take him and retain him in slavery anywhere that slavery is not prohibited by positive law.

Again: if a citizen of Maryland, or any slaveholding State, sends his slave upon shipboard, his property is protected wherever he may sail upon the high seas, even in the most distant ocean. So long as the flag of the Union floats over him, his rights in his slave are secure. How is this? All ships carry the flag of the Government to which they belong; and our Supreme Court have again and again held, that by construction, the ship thus sailing under its proper flag, however distant, is still a part of the domain of the country whose flag she bears, and that slaves, upon this principle, though upon the far-off sea, are still slaves, and the property of their master. A ship from Maryland or Louisiana bears not the flag of its State, for no State has a flag, but it is the flag of the Union that gives protection. If, then, a slave upon a vessel thousands of miles from the United States is still held in slavery, because he is constructively upon the domain of the United States, how much more certainly will he be so held when he is really and truly upon the soil of the Union?

Now, sir, this is our right, which the North threatens to take from us, in relation to the newly-acquired territory. And why this threat? It forms part of a great scheme to abolish slavery throughout the Union. Abolition first attracted attention about fifteen years ago; it then rose in the east, a cloud "like a man's hand," but it has increased until the heavens are black with clouds, which threaten to pour down upon us, not the refreshing and fertilizing rain of the prophets, but a storm of destruction, more like that which fell upon the cities of the plain. What is this great scheme?

Mr. Clay, on the 7th of February, 1839, in the Senate of the United States, speaking of the varieties of Abolitionists, said:

"And the third class are the real ultra Abolitionists, who are resolved to persevere in the pursuit of their object at all hazards, and without regard to any consequences however calamitous they may be. * * * With this class, the immediate abolition of slavery in the District of Columbia, * * * the prohibition of the removal of slaves from State to State, and the refusal to admit any new State comprising within its limts the institution of domestic slavery, are but so many means conducing to the accomplishment of the ultimate but perilous end at which they avowedly and boldly aim—are but so many short stages in the long and bloody road to the distant goal at which they would finally arrive. Their purpose is abolition—universal abolition—peaceably if they can, forcibly if they must."

Again, he says:

"These are but so many masked batteries, concealing the real and ultimate point of attack. That point or attack is the institution of domestic slavery as it exists in these States. It is to liberate three millions of slaves held in bondage within them."

Now, sir, we are asked to submit to the adoption of "the means conducing to the accomplishment of this perilous end"—to make "these short stages in the long and bloody road;" and, as a recompense, we are to be told that we are good Union-loving citizens. We of the South are second to none in our devotion to the Union. The Union has never been in danger when the South did not stand forth in the front rank of its defenders; and I have yet to see the first southern disunionist, here or elsewhere. We love the Union—the Union of the Constitution—the Union which preserves our liberties. And, sir, our political adversaries know this, and they are attempting to lure us into submission to their aggressions by siren songs of the glories of the Union. Give us, sir, the Constitution. It has been our shield from all dangers, and our conductor through all difficulties; with it we are more than content. The charge of disunion against the South is an unmitigated slander. The South was foremost in the Revolution that established the Union. She was the first to declare for independence of the British Crown, and she acted well her part in that long and bloody struggle which maintained it. And when the war of 1812 was declared, the "second war of independence," the South was true to her duty. The State which I have the honor in part to represent, though then comparatively a new State, sent more men to that war—gallant, brave men, who did good service—than any State in this Union, old or young, large or small. From her admission as a State to this time, the Union has

never called upon her for defence, that her citizen soldiers have not rallied to her standard, and in the hardest fought battles, where danger and death dealt their most fearful destruction, there were Tennesseeans fighting and triumphing over the enemies of the Union, and this at the cost of the lives of many of her noblest and bravest sons. And she is ready to do this again and again in defence of the Union. But, sir, the real ground of complaint is not that the South does not love the Union, but that for the sake of the Union she is not willing to submit to every injustice and degradation that the North may desire to place upon her; not that she does not love the Union, but that she loves the Constitution, justice, equality, and her honor, more. These are the soul of the Union which she loves.

But, sir, I desire most earnestly, and the whole South desires, that these difficulties shall be settled amicably, and that the Union shall be preserved. And will not our northern friends come up to the work with that spirit of justice and friendly compromise which established, and has hitherto preserved our liberties? We ask no new rights; we but desire that which the Constitution gives us. The truth cannot be concealed, that a morbid jealousy prevails in the mind of the North against the South. An improper view is taken of slavery; they do not see it in its proper light, nor judge of it by proper rules. It was a remark of Addison, "that misery is not to be measured by the nature of the evil, but by the temper of the sufferer." They judge of slavery as it would be, if enforced against themselves, and not by the "temper" of the African—a race whose ancestors were brought from a barbarous and savage slavery to a humane and Christian bondage, and whose descendants have ever since felt and believed their condition improved by the transfer, and that it is their destiny to live in slavery; and with this destiny, unless excited by northern agitators, they have been content; and it is contentment alone that secures happiness in any condition of life.

Many of the advocates of free-soil wholly disclaim any wish to interfere with the slaves in the States, and insist that their whole desire is to restrain the institution within its present limits. They say that they do not desire to emancipate the slaves, but to prevent their dispersion over any larger area. Their sympathies are not for the slave, but for the "soil"—a strange, wonderful philanthropy. It is not the slave they would emancipate, but it is the earth they would save from the contamination of his touch. All who have any knowledge of the institution, know that the more slaves are dispersed, the more their moral and mental condition is improved, and their wants more kindly relieved by their association with the white race, and that their condition is thereby ameliorated. They talk most eloquently of the shackles of slavery, and of the imprisonment which they suffer. Sir, we do not propose to increase the number of slaves, it is only to enlarge the "prison bounds;" and it is this that so much excites northern sympathizers. Let any one visit and examine the situation of the slaves, where they are held in large numbers, and where they are more sparse, and the difference is manifestly in favor of the latter, and if philanthropy be the prevailing motive, they will at once abandon their free-soil opinions.

The Constitution, as already remarked, is careful to provide that *States* shall deliver up fugitive slaves that may come within their limits. This was regarded as a very important provision, yet there is no such provision as to slaves escaping into the Territories. Why was this omitted? For no other reason (which was abundantly sufficient) than that slaves within the Territories were slaves still, and as much under the control of the master as in the State from which they fled. If slavery does not exist in the Territories, (and the Constitution says nothing upon this subject,) then a slave escaping into the Territories will be free; yet no one will pretend that this is or can be true; yet it is so, unless the Constitution protects slavery in the Territories. The only disunionists of which I have any knowledge, are in the North, and there they are quite numerous; some of them have found their way to seats in Congress; some of these men denounce the Union as a "covenant with sin," because of its protection to slavery, and claim to be influenced by moral and Christian motives. I have not the time nor the inclination to discuss this subject. I will not insult the understanding of this House, by proving that Abraham—who is styled a "friend of God," and of whom it was said the Lord "hath given him flocks and herds, and silver and gold, and men servants and maid servants"—was a moral man; that Job, who "was perfect and upright, and one that feared God and eschewed evil," was as good as a modern abolitionist; that St. Paul, with all his zeal and all his knowledge and all his piety, knew as much of morality and Christianity, as these self-styled *reformers*, when he sent back a runaway slave to his master, or when he encouraged and countenanced the institution by writing most affectionate counsel and wise rules for masters and servants, (the word here translated servants is by the learned, held to mean slaves.) And what shall I say, in reference to that holy Being whose name should be mentioned only with the most profound reverence, the Deity himself, when He stood upon Mount Sinai, clothed in His omnipotence and gave laws to His chosen people, and commanded them to buy of the "heathens round about," for a possession to them and their children; or of the blessed Saviour who spent his life reproving vice and teaching wisdom, and this in the midst of slavery, and yet made no condemnation or reproof of this institution. Sir, the abolitionists for a while repelled the idea that slavery was sanctioned, either by the Bible or by the Constitution; but such has been the force of argument upon this subject, that many of their leaders have been forced to admit both, and to sustain their folly, have been compelled to renounce both the Bible and the Constitution as being immoral and unjust. This is but the natural result of such fanaticism, and the end to which this Anti-slavery and Free-Soil excitement directly tends—this is its morality. And for its patriotism—it desires to sever all political connection with us, because we are no better upon this subject than General Washington, who lived and died a slaveholder.

Sir, I will have no reasoning with this fanatical, impracticable philanthropy, if it deserves no worse name; it is at war with the institutions of society. Borne away by a single idea, it seeks to prostitute the most sacred things to the worst of purposes. It is bringing religion itself to war with the institutions of society, and thereby making it odious, and driving its votaries into the frozen regions of infidelity. It disregards the wise and venerable interpretations of the Bible and the Constitution, that

have grown gray in the lapse of time, which have ever been hallowed by the approval of the good and the great, and they are dividing society into two great classes, "the fanatics who believe everything, and the infidel who believes nothing" They are thus endangering everything that renders society permanent or valuable.

How, then, are these questions to be settled? If it is ever done, and I trust it will be, it must be upon the principles of the Constitution. Congress has nothing to do with the subject of slavery in *the* Territories, and if we will be content to do only what we are required to do, all will be well. The lamented Polk in his message of December, 1848, says, "the people of the acquired territories when assembled in convention to form State constitutions, will possess the sole and exclusive power to determine for themselves whether slavery shall or shall not exist within their limits." This is certainly true. Then let us leave it to this "sole and exclusive determination." This will satisfy the South, provided we make the "needful rules and regulations" as to other subjects, and do not by a system of *non-action* drive the unprotected people of the territories untimely into the determination of this question.

This is the proper constitutional mode, and the one that should be adopted. If gentlemen will not agree to this, then they can divide it as was done in relation to the Louisiana territory. This was acquired, and afterwards divided; so was Texas divided by continuing the same line; and now continue the same line. This line when established in 1820, was understood to be the line of separation between the slave and non-slaveholding States of the Union, and has been so observed by the South ever since, with unwavering fidelity. Mr. CLAY, who acted an important part in the establishment of that line, said in 1837:

"By the compromise which took place on the passage of the act for the admission of Missouri into the Union in the year 1820, it was agreed and understood that the line of 36° 30′ of north latitude should mark the boundary between the free States and the slave States to be created in the territories of the United States ceded by the treaty of Louisiana. * * * But Florida is south of that line, and consequently, according to the spirit of the understanding which prevailed at the period alluded to, should be a slave State. It may be true that the compromise does not in terms embrace Florida, and that it is not absolutely binding and obligatory; but all candid and impartial men must agree that it ought not to be disregarded."

Now, sir, if Mr. CLAY's opinion is worth anything, (and it should be to these gentlemen, for they have for many years taken great pleasure in doing him honor,) then are they uncandid and partial, for they not only "disregard," but are using their most strenuous efforts for its destruction.

As remarked, this has ever been and is still called a compromise; but it should be remembered, that it was mainly made and enforced by the North. It is a northern measure forced upon the South against her wishes; and, notwithstanding this, it has met a strict compliance, except only from its authors. At the close of the revolutionary war, all the territory belonging to the United States, except the district of Maine, was slave territory. The South yielded to you the territory now composing the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin—a country which now has greater resources than had the whole Union at the time of the cession; now an empire as to power in itself—reserving only territory for four new States, to wit: Kentucky, Tennessee, Alabama, and Mississippi. Was this not liberal? The Louisiana territory was soon after acquired, which extended from the Gulf of Mexico to the Pacific ocean. This was all slave territory; but a small part was inhabited by slaves, but they might be lawfully held in any part of it. In 1820, you forced upon the South a compromise, whereby you took to the North two-thirds of this acquisition. In the first case, the South generously ceded you the larger portion; in the second, you took a still greater share, and, from a love of the Union, the South submitted. And now, sir, we are to adjust the third great acquisition between these two sections of the Union. In the Missouri case, the North had the power, and inasmuch as by the law existing at the time of the acquisition, slavery was permitted in the whole territory, it not only divided the territory, but by positive legislation excluded slavery from that portion which was claimed for the North. This, they maintained, was legal and just. Now, sir, a vast country has been acquired, and one in which, they say, by the laws existing at the time of the acquisition, slavery is excluded; and the North has still the power to dispose of this question. And how does it propose to adjust it? Sir, inasmuch as the North, to secure to herself the larger part of the Louisiana purchase, would and did abolish slavery in such part as she claimed, if she had power to do this, and if a spirit of fairness prevailed, the same power would authorize, and justice would require, that she should now legalize slavery, by positive law, in so much of the new territory as the South should be equitably entitled to. Upon northern principles this could be properly demanded; and if it were to be determined upon the simple rules of justice, as between individuals it would certainly be so decided. Yet the South is not asking this; she is only asking that Congress will not exclude her. The North says to her, you are excluded by Mexican laws; nature has excluded you, and to make certainty still more sure, we will exclude you, not from a part merely, but from every foot of that territory, north and south, east and west. In the first case, they received the territory as a bounty; in the second they took two-thirds, and called it a compromise; and now, in the third and last case, they claim to take all—and claim it as a right. The North regards California as already secured to the non-slaveholding States; and one of their most distinguished men, [*Mr. Winthrop,*] but a few days since, said it was "a thousand-fold the most important and valuable part of the territories acquired from Mexico;" and yet claiming to have this, the North is still using all means to deprive the South of every possibility to acquire even a share of the refuse territory that remains; and it is required, that we must even yield to this, and surrender this bare possibility of obtaining one foot, upon pain of being called disunionists—yea, even traitors to the Government. And if we submit, what is our reward? We are to be told that we are peaceable citizens, and that, inasmuch as we are in possession of a part of the domain of the Union, and by the plain letter of the Constitution cannot be disturbed, we will be graciously *permitted* to have that of which they have not the ability to deprive us. If we give up our rights in the territories, they will permit our rights in the States. And if we submit to this, how long will even this be observed? If we would give up all claim north of the compromise line, we were told we should have all south. This is now repudiated. Now we are told, "Make no claim to the territories, and your rights will be respected in the States;" and how long before this will be disregarded? Sir, we have yielded, and yielded, until our duty requires that we shall make a stand in defence of our rights. Every consideration of duty and interest demands it. Let us, then, pass some general measure, either extending the compromise line to the Pacific, or establishing strictly and permanently the doctrine of non-interference, and thus give peace to the country.

Sir, more than seventy years ago our fathers asserted man's capacity for self-government; the civilized world has been ever since observing, with anxious interest, the progress of this experiment, and hailing with joy the ever-increasing evidence of its success; until by universal assent the world is almost prepared to pronounce it complete, and that it is no longer speculative, but a fact demonstrated. And now, sir, upon the eve of this glorious consummation, the North has become so transcendental in its morality, that in zeal for a lower race—a race that has been in slavery to itself from its earliest history—a race, too, which has made its highest attainments in human excellence in the humane bondage of America—they are willing to extend this power of self-government to this inferior race. So blind is northern zeal, that they are ready for this delusion, to sacrifice the hopes of the world for free government; and to blast, ruin, and destroy forever, this freest happiest Government with which Heaven has ever blessed mankind. Thus to extend self-government to others, prove themselves incapable of its maintenance. We point you to the Constitution, and with fraternal feelings we beg you to regard its provisions—we refer you to the principles of justice, and by these we ask you to restrain your encroachment. We appeal to the past, with all its hallowed recollections— to the present, with all its clustering blessings around it—and to the future, with all its bright and promising hopes, for happiness to ourselves and our posterity, to the latest generations—to everything of earth that is dear to man, past, present, and to come—to give us that equality of right to which we are so justly entitled. Do this, and not only will the present darkness be dispelled, but let this spirit of justice ever preside over the deliberations of the Government, and it will be but the dawn of a day of peace and prosperity, that shall grow brighter and brighter, and end but with time's last setting sun.

SPEECH

OF

HON. JACOB THOMPSON,

OF MISSISSIPPI,

ON THE

CALIFORNIA QUESTION.

DELIVERED IN THE HOUSE OF REPRESENTAVIVES, JUNE 5, 1850.

The House being in Committee of the Whole on the state of the Union, on the President's Message, Mr. THOMPSON said:

Mr. CHAIRMAN: During this long-protracted debate on the admission of California, and the formation of governments for our territories, I have been a silent, patient listener. I have not deemed it necessary to enter upon the discussion, for the purpose of defining my position before my constituents. I have not endeavored to control or direct public sentiment at home or elsewhere. My constituents understand me, and I believe I understand them. There exists between us a mutuality of confidence, an identity of interests, a sympathy of feeling, and a unity of principle, that our very instincts would lead us to the same conclusions. They love this Union, they desire its perpetuation, they would pour out their blood in the defence of its flag. But they also love their rights, they will maintain their honor, and they will submit to any sacrifice to uphold that Constitution which made us a united people. They will ask for nothing but what is right, and it is worse than vain to suppose they will submit to that which is wrong. Whigs and Democrats of Mississippi will stand firmly banded together on this common platform.

I came to this Congress deeply impressed with the magnitude of the duties devolved upon its members. Before I took my seat, knowing I was to act with the minority on this floor, I resolved to offer nothing to adjust existing difficulties. On the majority rested the whole responsibility of every proposition and every action. No Southern member has made any proposition on these questions which divide the North from the South at my suggestion or with my consent. The North, the great, the powerful, and I may add, the imperious North, have now the destinies of this country in their hands. They can oppress, they can insult by odious and unjust discriminations, they can revile and spew their disgusting and revolting saliva upon the South, which is too weak to control this central Government, and growing weaker by the desertion of her sons on account of her weakness; but they can never degrade and humiliate that people as long as the spirit of Washington and Henry, Jackson and Calhoun shall animate their hearts. To the patriotism and magnanimity of this great North I now appeal. You can preserve the Constitution and maintain the Union. You can restore peace to a troubled country, and create anew that confidence between the members of this Confederacy which is now well-nigh destroyed.

But, Mr. Chairman, we hear it asserted that the differences between the North and the South are fundamental and irreconcilable, and can never be compromised. If this be true, we had better take immediate steps for effecting a peaceable separation. This Government is based on the affections of the people, and can never be maintained by force. Adopt any line of policy which impairs the rights or destroys the confidence of any section of this Confederacy, and you will alienate the hearts of the people, and sow the seeds of a rupture which can only be carried out in blood.

But I am not yet prepared to believe this. The South have constitutional rights, for which alone they contend, and the whole is included in the simple axiomatic truth, that her property, under the flag of the Union, shall receive the same protection and guardianship which it affords to the property of all other citizens. In other words, that this Government shall be her friend, and not her enemy. This principle is opposed by the North from jealousy of political power, and from a prejudice against the institution of slavery, which they desire to overthrow. If the South yields, she yields rights—rights secured by the Constitution. If the North yields, she yields prejudices. If the South yields, it, of course, will be considered that she does so from her weakness. If the North yields, she can claim, and it will be awarded to her, that her course is actuated from a motive of magnanimity and a praiseworthy desire to do right, and to preserve the union and harmony of the States. You have the vantage ground, and it is to be seen if you have that nobleness of spirit which should actuate patriots in the present trying crisis.

But I am met with a grave charge upon the South: that her statesmen have always exerted a controlling influence over the policy of the Government. This is a serious charge, if it had any meaning. But, suppose we admit its truth, is it not evidence that Southern policy has been most acceptable to the whole people? The great founders and leaders of the two parties which have

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divided this country, Jefferson and Hamilton, the one was a Southern, the other a Northern man; both men of great talent, and both patriots; but the Southern statesman became the favorite of the people, North and South; and simply because his principles commended themselves to the approbation and hearts of the masses of the people every where, and, therefore, received their support and sanction. From that day to this he has been, and continues to be, an honored leader in both sections.

But this charge is only a part of that systematic effort which has been carried on for years to excite the prejudices of the Norrh against the South. It has no reason in it. And here I must take occasion to warn the Democrats of another object for this charge: It is a part of the old Federal tactics to break down your party, and bring you under Federal misrule.

I think I have a right, Mr. Chairman, on this occasion, to make an appeal to the Democratic party. I have no claim on the Whig party: there has always been opposition and contention between us, because, after the straitest sect I have been a Democrat; and, as some of our opponents prefer the phrase, I have been a progressive Democrat. I have always believed it to be the only national party—sometimes doing wrong, but ever aiming at the right. I say, I have a right to mingle my voice in your councils; and in doing so, I must premise, with a statement of my firm belief, that once finally destroy and thoroughly disunite that party, and from that day this Union is in imminent peril; the opposing force to the wild fanaticism of the North will be removed, and the complete triumph of faction will be followed by inevitable and blasting evils to our country. It has long been charged at the South that all parties of the North were alike in their virulent opposition to Southern rights. Heretofore we could point to the record to disprove these assertions, and the people have taken the evidence. One by one, we have seen those noble spirits who refused to bow to the unreasonable prejudices of section, and manfully advocated the Constitution as it is, fall in the conflict. But we have mourned their fate, and in our heart of hearts we will cherish their memories. Session after session, we have witnessed desertions upon this floor and at the other end of the Capitol, and all of us have united in denouncing and despising the traitors. But up to this time, some choice spirits have remained, sufficiently large in number and respectable in talent, to keep up our unity as a party, and to command the respect and confidence of the country. It is left for you to settle these agitating questions—you can do it. The party in power having long been in a minority, have been constrained, by the force of circumstances, to affiliate with every faction, and enroll among their ranks every discontent and every deserter from our party; and, consequently, they can have no unity of purpose or identity of principle. They can never administer this Government with success. They can never adjust these difficulties satisfactorily to the nation. In addition, the very deceptions practised and frauds committed in obtaining power, will prove an insuperable bar to them. If this country is saved, it has to be done by the Democratic party. Let us only for a moment review our past history.

It was this party, under the lead of Mr. Jefferson, who made the purchase of Louisiana, and added that vast and fertile territory to our country, in the face of the most violent opposition of the Federal party. It was this party who carried the country in triumph through the war with Great Britain in 1812, whilst the opposition was weakening its movements at home by threats of disunion. It was its policy which removed the Indians to the country west of the Mississippi, and opened our new States to settlement and cultivation, by an industrious and energetic people, amidst the sympathetic tears and cries of their opponents. When the moneyed power, organized under the lead of a great National Bank, aspired to the control of the industrial pursuits of this country, and even to the distribution of its honors and offices, under the lead of the patriotic Jackson, in solid phalanx, we breasted the storm, and sustained the strong arm of our leader, whilst he throttled the monster; and now, while that great power lies quietly in the dust, all the people rejoice over its demise.

One of the charges of aggression made by the South on the North, by the gentleman from Ohio, (Mr CAMPBELL,) is the enactment of the revenue tariff of 1846, and which works so admirably as far to exceed our most sanguine expectations. This great measure of equality and relief to the labor of the country, did surely not find its peculiar advocates in the South. The whole party, North and South, are willing to share its responsibility and claim its proportion of the honor.

This party has ever advocated an economical Government, and opposed extravagant expenditures, though it has often been defeated in this policy by desertion from its own ranks. This party have ever contended for a strict construction of the Constitution, maintaining the rights of all the States, and resisting the centralization of power in the Federal Government.

When the great question of the annexation of Texas came up for discussion and decision, the whole party, abating a few deserters, took hold of it with zeal and decision. I remember well our commotions; and if any section of our party, by its talent and energy deserved to lead the others in this movement, from a full and personal acquaintance with all the facts, this position should be assigned to the indomitable spirits of the Northwest. It was followed by a war with Mexico, and for the most part, the Democratic party sustained our troops, supplied our armies, and were entitled to wear the honors of our triumph. The result of this war was the acquisition of the Territories of New Mexico and California.

Candor requires me to say that the Democratic party are responsible for these acquisitions. And when peace had been declared, had we been able then to settle all the conflicting questions arising out of this extension of our common country, I doubt not our party this hour had been in power. But our failure then to settle all these questions shook the confidence of the country, and amidst the discontent and confusion which was consequent upon the failure, the people called our opponents

into power and imposed this responsibility upon them. It is thought by many that this relieved our party from all responsibility. This is a contracted and improper view of the subject. As partisans, but as partisans alone, is this position true. But as patriots, as lovers of the Union and of constitutional liberty, I appeal to you to come to the rescue. It is apparent that the Administration can never make adjustment without throwing itself into the arms of those who desire to put their heel upon the South, and thus make these acquisitions a curse upon the country. And it must be further apparent, that in future, the South will be constrained to affiliate with that party North, of whatever denomination, that will nobly make sacrifices in this crisis to sustain her rights.

You cannot, then, believe that the flag of the Union owes us no protection of our slave property on the ocean or in our territories. If you are Democrats, willing to support the Constitution in its integrity, you must believe that it guarantied every right existing before its formation. As sovereign States, we had this right before we entered the Union. This is most clear. By that association we lost no rights, but received assurances from a united people of an additional guarantee, by an arm stronger than our own. As Democrats, you cannot desire to surround us with a "cordon of free States," thus alarming the fears of property holders, rendering insecure our titles, and thus forcing a free people, by the pressure without, to abolish slavery within, and that, too, by the action of a common Government, a common friend.

As Democrats, with a love for the whole people of the Union, you cannot entertain such hostility to us and to our institutions thus guarantied by the Constitution, as to maintain that disunion and all its train of consequences are to be preferred to an admission that a single acre of our large common domain, which ought to be common pasture ground for us all, shall be set aside for the occupancy of Southern property.

If you hold these opinions and entertain these desires, and intend to carry them out, my honest conviction is, that it is best for us to separate, and separate now. Postponement will but aggravate the evil day, which will come as certainly as that death is the doom of us all.

While I know these things have been said here by enraged madmen, I will not believe the whole North thus abandoned and unjust. And in my unbelief, I have *hope*, faint, it is true, but strong enough to prevent me from believing I am surrounded by enemies.

I have waited, Mr. Chairman, for propositions from the North I have not allowed myself to become indissolubly wedded to any thing. I am ready to take hold of any measure which deals with the whole country fairly and justly. I want a measure which gives finality to all these sectional discussions and differences, preserving the equality of the States, and the integrity of the rights of all, for the present, and promising peace and security for the future.

With these views, I shall examine the propositions which have been made, and express my opinions freely.

The first plan, in order, for adjusting all of our difficulties, is that offered by the Administration, *nominally* under the guidance of a Southern man. This admits California as a State, and leaves all other questions open until the people of the territories, living in the meanwhile under military sway, form State Governments, and apply for admission as States.

The gentleman from New York (Mr. Duer) comes forward as one of the earliest, and, it is proper to add, one of the ablest advocates for this line of operations; and, before he begins his argument, he prefaces it with this most singular avowal:

"California, with her boundaries, will be admitted into the Union, and you will have no establishment of slavery, or, if you prefer the phrase, no recognition of the Constitutional existence of slavery in any part of these territories, north or south, or east or west, of any line of latitude or longitude. Neither will you have a repeal of any existing law prohibiting slavery."

Thus summarily disposing of the whole controversy, he begins an argument to convince this House that this Administration plan is the most successful means of gaining his ends, and of doing so with the least offence to the South. This is the method of adjustment, and such is the palpable effect, recommended by a Southern President for the adoption of Congress. The letter of the Constitution is observed, in order to make the most vital thrusts at its spirit.

Congress, it is true, has the power to admit new States. Such is the letter of the Constitution; but in a wanton and abitrary exercise of that power which is addressed to the discretion of Congress, a great and palpable wrong could be done more offensive to the co-States than a clear unqualified assumption of the power out and out. Suppose the Republic of Hayti should apply for admission into our Union as a State with her negro population: would the South have no right to complain, to resist, because Congress has the power to admit new States, and the majority must exercise its discretion as it may suit their tastes and prejudices. So if a handful of squatters upon the common territory, entering and taking possession of the public property in violation of the law, should undertake to erect themselves into a sovereignty and demand admission as a State, claiming to exercise in one branch of the legislative department of the Government, a power equal to the oldest or largest State of the Union, there is scarcely a freeman in the whole country who would not feel indignant at the proposition. This feeling would be increased, if we learned that the individuals composing this community were but yesterday citizens of a hostile republic, knew nothing of our institutions, and had given no proof whatever of their attachment to our Government. The admission of a State under such circumstances, would be an outrage, the more insulting and intolerable because it is sought to be done under the letter of the Constitution. But to carve a State out of the territory belonging to the United States, without any permission from Congress, or, as it has been done in the case of California, when Congress expressly refused to grant permission, whose duty it is to dispose of and to make all needful rules and regulations respecting the same, without knowing who inhabit the same—whether citizens or foreigners, who voted

for the Constitution which they present as republican, whether that clause of the Constitution which requires "the number of Representatives shall not exceed one for every thirty thousand" is not openly violated,—is presumptuous indeed beyond any parallel found in the past history of the Government. And I feel no hesitancy in saying, that were it not for the most singular position of other questions connected with the territories, there would not be found a sensible man in the whole country, who would not reject such a proposition with contempt, as cheapening our institutions, and degrading the States of this Confederacy.

What, then, could have induced a slaveholding President, who is charged with the custody of the public property, to have advised the people in the territories to form themselves into States, so soon after Congress had refused to authorize them to exercise this privilege? After the Missouri struggle, and after the discussions during the last Presidential election, he must have known, if he knew any thing about political questions, that unless the applying territory excluded slavery, it was vain to expect to gain admittance. I say, he must have known this; his special agent (T. B. King) knew this; the debates of the Convention show that this matter was well understood there. Southern adventurers, some of whom were the owners of slaves, in their anxiety to get into place by the admission of California, voted for the exclusion of their own property, and humiliated themselves, in order to pander to this fell spirit of Abolition, which runs riot over the land. Yet, you call the constitution presented here, the free act, and the embodied will of California! I do not believe it. I have a great respect for the voice of the people in any community, when fairly expressed. But it must be the voice of the people—*the people* who have an abiding interest in their government, and not sojourners who do not expect to be governed by the laws which they make. It must be a people who feel free and independent to decide finally all questions submitted to them. This was not the case with the people of California.

In the first place, an acquaintance with frontier life convinces me, that a Territorial Government is better suited for them, than a State Government, till a fixed, permanent population is obtained. To raise revenue sufficient to support a State Government, will be onerous upon a people who emigrate without capital, and who have not had the necessary time to acquire that property which will be subject to taxation. In every case heretofore, the General Government has borne this burden, and California, if admitted now, will come in a mendicant, asking alms of this Government. This will not enable her to take her equal position among her sister States. She has already demanded and received from the officers of the United States, money which was in the Treasury of the United States, without an appropriation by law. And it becomes a grave question, if these executive officers intrusted with the custody of the public money, have not already subjected themselves to impeachment by thus disposing of the public money.

In the second place, in forming a State Government, and in the prohibition of slavery, the people were tampered with, and were not free to follow their own choice. See how beautifully President Taylor defines his action in the premises: "This course," he says in his California message, "on 'their part, though in accordance with, was not 'adopted *exclusively* in consequence of any ex-'pression of my wishes, inasmuch as measures 'tending to this end had been promoted by the '*officers* sent there by my predecessor." How much influence he did exert so as not to amount to an exclusion of all other influences, would require a very exact calculation. Here, as in other cases, when I have to examine the course of the Administration, I feel no disposition to press comments to the extreme. I regard him as a mere puppet in the hands of strong and wicked men, playing a part, the force of which he cannot comprehend. I am forced to the belief that this whole plan of inducing the territories to form State Governments, without the consent of Congress, originated in the anxious desire to avoid the exposure of the fraud by which the last Presidential election was carried. As a further evidence of this influence, I read from the letter of General Riley, dated June 30, 1849:

"A few prefer a territorial organization, but I think a majority will be in favor of a State Government, so as to avoid all further difficulties respecting the question of slavery."

Here is proof as clear as the noonday sun of the influences which controlled the people in their action. I believe to-morrow, excluding the office-seekers, California would prefer a Territorial Govenment, it is so manifestly their interest to do so. But gentlemen are so determined to cut off all chances for the South, they fear the decision of that people when they come to form a State Government in a regular way, possessing an entire independence.

But my object is not to make an argument against the admission of California, but to state my objections to the plan of the Administration for adjusting all these difficulties between the North and the South. After admitting California, we then make a halt, and wait for the music. Wait till New Mexico and Utah have formed State Governments, and apply for admission. But this is pure nonsense. Utah, under the name of Deseret, has already formed a State Constitution, and she is now applying for admission. The evidence before us induces me to believe Utah has as many permanent settlers as California, though the latter has much the largest number of visiters and sojourners. Her Constitution is as republican as that of California, but it omits one important item, and that is, it fails to incorporate the Wilmot proviso in her constitution, and to send here her Senators and Representatives, elected before she was acknowledged to have a sovereign existence. Utah has no friend in this Cabinet; she is presumptuous in asking admittance. Why this discrimination against her? Simply because she does not come here to insult the South with her exclusions of her people from her unsettled territory with their property. Fair dealing is a jewel. But the hero of Buena Vista surrenders himself into the lead of his Wilmot-proviso Cabinet to such an extent as to make many of his true friends hang their heads in

mortification and shame. Again, New Mexico is soon to become a State, in the opinion of the President. Her delegate, Mr. Smith, catching the spirit of the men on this floor, has found out how he can make friends, and organize a party in favor of her admission; and that is, by abusing the land of his birth and the institutions of his fathers, pandering to the prejudices of an ignorant population at home, both against slavery and against their lawful sovereign, Texas, and by inducing her to come up to this Capitol with a free-soil constitution. When she comes, Congress will give her one-fourth of Texas, and tell that State her remedy is in the courts. In order to determine the claims of Texas, Congress will be called upon to decide against her.

The South are united to a man against the Wilmot proviso. It is only necessary to lay the facts before that same people, when their indignation will be still more intense against this unjust, unprecedented, cowardly policy. The President may truly say, as one mightier than us all, I come not to send peace on earth but a sword.

There is not a feature in all this plan which meets with any approbation; yet I have been and am now for the doctrine of non-intervention with the territories. That doctrine presupposes the formation of Territorial Governments, and their continuance as such till they obtain a fixed and permanent population. It extends the Constitution and laws of the United States over the country, and necessarily protects every lawful right of person and property of her citizens. It makes no discrimination between rich and poor, between the property of the people of any description, but gives a like protection to all. It abolishes, it abridges no rights of any, but it maintains, it guards, it defends, it conserves every right of every citizen. It enforces contracts, it protects reputation, it shields the life and liberty of all. How does it bear upon the right to carry slaves to the Territories? This is best answered by Mr. Webster while Secretary of State, in his able and unanswerable argument to Lord Ashburton in behalf of indemnification for the loss of the slaves by the brig Creole. He says:

"In the Southern States of this Union, slavery exists by the laws of the States, and under the guarantee of the Constitution of the United States; and it has existed in them from a period long antecedent to the time when they ceased to be British colonies.

"A vessel on the high seas, beyond a marine league from the shore, is regarded as part of the territory of the nation to which she belongs, and subjected exclusively to the jurisdiction of that nation."

Again: after speaking of husband and wife, he continues:

"It may be said, that in such instances personal relations are founded in contract, and therefore to be respected; but that the relation of master and slave is not founded in contract, and therefore is to be respected only by the law of the place which recognizes it. Whoever so reasons, encounters the authority of the whole body of public law, from Grotius down; because there are numerous instances in which the law itself presumes or implies contracts, and, prominent among these instances, is the very relation which we are now considering, and which relation is holden by law to draw after it mutuality of obligation."

The doctrine here set forth, has been the uniform principle on which this Government has been conducted, up to the era of the Wilmot proviso. If a ship at sea is regarded as the territory of the United States, where the master's rights will be shielded by the flag of the Union, much more will it be so in the actual territory, which is the common property of all the States. This doctrine of non-intervention—so just, so fair, so equal in itself—is totally perverted from its legitimate use by the Administration. It not only perverts that principle, so complimentary and congenial to freemen, but it abuses a plain power of the Constitution—the power to admit new States. But it is so palpable that the direction is here taken from the principle of holding on to place, rather than serving the country, protecting the weak against the strong, and of endeavoring to make the blessings of government, like the dews of heaven, fall alike upon all, that it needs only to be seen to be despised.

If by the action of the people of California she is to be considered now a sovereign State, then it must follow, as certainly as night the day, that the title to every acre of land within her large boundaries has been divested from the United States and is invested in that State; and the President has advised these people to commit a wholesale robbery; and he has voluntarily surrendered this large amount of public property into the hands of individuals who went and remained upon it by the mere sufferance of Congress. If this proposition be true, the President has been guilty of a most flagrant and fearful usurpation of power—and I ask you, Democrats, if you are willing, in order to surmount one difficulty, of excluding Southern men from that country by your own act, to sanction a usurpation so monstrous in its nature, and so dangerous as a precedent, that, in case of a closely-contested state of parties, the Executive would have the power to create at will, peers of the realm, to sustain his ill-gotten power?

If this proposition be not true that California is yet a sovereign State, then it follows, we are called upon to exert the power of creating a sovereignty—a prerogative which would have alarmed the plain republicans of former days. But you not only call upon us to create a State, but you also require us to breathe vitality into a dead carcass, in order to work out our own exclusion from the territory. How Southern men opposed to the Wilmot proviso can reconcile themselves to such a measure, is perfectly inexplicable to me.

The evidence before us must convince every man that New Mexico is opposed to a State Government, and excluding Indians and half-breeds, her population would not entitle her to such a position. Will you force her to live under military government, which the President, in his partiality for military rule, recommends to us as the best they have ever enjoyed, until she consents? And in the mean time, all the agitation which has disturbed the country for the last three years, goes on with increased impetus. Our Union may be strong enough to withstand many assaults, but constant dropping will wear away stones; and it is time we should feel the magnitude of the task imposed upon us.

Rejecting this plan, I turn next to the compromise of the Committee of Thirteen, at the other end of this Capitol. I feel unwilling to reject that proposition without a careful and candid examination; and I feel bound to say, after full reflection, as it stands it can never receive my support; but with the establishment of non-intervention in good faith

in the territories, and with a clear recognition of the boundary line of Texas in its integrity, and entirely, running the full length of the Rio Grande, I would far prefer this proposition to the Administration plan, which is full of enormities from end to end, without a single redeeming quality. But this compromise, so called, I suppose, in derision of all which have been heretofore adopted, begins with the unqualified admission of California with her present boundaries. My opposition to this measure is so deeply rooted, as well-nigh to constrain me to reject all schemes whatever of which it composes a part. The pill is too nauseating to be taken in connection with other ingredients, however palatable. If such an outrage is to be effected, and such a precedent established, so improper in itself, and leading to such dangerous consequences, I never wish the future politician who may refer to my course, to say for me, "I did it."

One leading objection to the whole scheme is, that it gives finality to nothing, and therefore, will quiet neither the North nor the South. The Wilmot proviso is not enacted over the territories avowedly on the ground that it is unnecessary, and of course with the understanding, that if the future tide of emigration shall render it necessary, it will be insisted upon.

It will be the starting point of new agitations, new combinations. It will open nearly one-third of Texas as a new field for contention. The South will insist that slavery has been recognized up to 36 deg. 30 min. The North will contend that the southern claim has been bought out and surrendered; and the South being the weaker party, I know now, as certainly as I know any future event, the North will have it all their own way.

Having voted for the annexation of Texas, I know it was well understood that she had a disputed boundary, and that she claimed the Rio Grande from its mouth to its source, as her western boundary. Texas was invited to trust the settlement of this dispute to the United States. Our Government did undertake the adjustment; and the result was, we obtained every inch claimed. Can there be a doubt, then, of our duty and her title?

Texas has the right of making four more new States; the country expected they would be slave States. The proposed adjustment will necessarily make two slave States, and two free States. To call upon me to sell out the country, and to pay myself the consideration money, which was once solemnly settled and dedicated, for the purpose of extending still further, and swelling larger the disproportion of territory from which the South is excluded, is too extravagant and it can never be yielded.

But I need not multiply objections; as that bill now stands, I should feel myself untrue to my constituents, untrue to myself, untrue to the country at large, to give it my support.

The fugitive slave sections are of but little consequence. Like the laws against duelling in all the States, they are apparently strong enough to prevent the practice, but practically they are a dead letter upon the statute book. Public opinion does not demand their enforcement. Even so will it be with the most stringent fugitive slave bill. It will prove a mere mockery. The present law of 1793 is full and strong enough, if the States of the North would comply, or were disposed to comply with their constitutional obligations.

The anxiety to suppress the slave trade in this District—a measure of no great magnitude in itself—is only desired in order to stigmatize this kind of traffic, which is known to exist in the southern States, and to make one step forward in the process of abolition of slavery in this District. The motives which impel the movement more than the movement itself, are obnoxious to me.

I come now to the consideration of the question, what shall we do to quiet agitation and restore peace and confidence and good feeling between the different sections of this Union?

I despair of reconciling the abstract conflicting views of the North and the South. Such an effort is vain and futile. But it is certainly true that the same conflict has existed to a greater or less extent from the foundation of the Government. I have honestly endeavored to devise some new plan by which we could improve upon the example set us by our forefathers; and I am finally brought back to the firm conviction that the old plan is the best and wisest plan, and should be adopted.

In 1787, before the adoption of our present Constitution, when the celebrated ordinance interdicting slavery northwest of the river Ohio was passed, it was a well settled policy that all the old States would cede their back lands, and the Ohio river was adopted as the compromise line. And while the first Congress under our Constitution recognized the interdiction of slavery northwest of the Ohio, they established a territory south of the Ohio in which it was sanctioned. Thus they reconciled their differences by a line of partition, and went on harmoniously. But the history of this compromise convinces me of another fact, that if the importation of slaves from abroad had then been inhibited, and if the only question had been as to their locality, whether the slaves then in the country should be allowed to spread, as the interest or inclination of the owners might dictate, that that ordinance had never found its place among our statutes. As an evidence of this fact, I shall refer to one authority as conclusive on this point. Mr. Madison, in his letter to Mr. Monroe, in 1820, says:

"I have observed as yet in none of the views taken of the ordinance of 1787 interdicting slavery northwest of the river Ohio an allusion to the circumstance that when it passed Congress had no authority to prohibit the importation of slaves from abroad; that all the States had, and some were in the full exercise of, the right to import them; and consequently that there was no mode in which Congress could check the evil but the indirect one of narrowing the space open the reception of slaves.

"Had the federal authority then existed to prohibit directly and totally, the importation from abroad, can it be doubted that it would have been exerted, and that a regulation having merely the effect of preventing the interior disposition of slaves actually in the United States, and creating a distinction among the States in the degrees of their sovereignty, would not have been adopted, or perhaps thought of."

This was the spirit and the cause of that ordinance. If in that day, it had been a question not of increase of the number of slaves, but sim-

ply as to their locality in the United States, I have not a doubt the ordinance of 1787 had never existed. The reason of the measure having failed, to insist on the measure itself is most unreasonable. The South, fond of the Union, yielded to this discrimination, making the Ohio river the dividing line between slave and free States.

Next in order of time was the purchase of Louisiana, which had an area of 1,075,000 square miles; but if we include Oregon, (and our ablest statesmen have claimed that our best title to the country west of the Rocky Mountains is derived from that purchase,) its area would be 1,416,463 square miles. On the bill granting permission to the people of Missouri Territory to form a State constitution, the North resisted her application, till they, at last, forced a compromise upon the South which divided the territory acquired by that treaty by the line of 36° 30′, still bringing the line of division further south, which secured to the North 1,306,463 square miles, and retained 110,000 square miles for the South, when it was admitted on all sides that the whole territory was subject to be made slave territory. Thus the North took the lion's share. Had I been a member of Congress at that time, I would have resisted this adjustment, though disunion and civil war had been the consequence. This was done in 1820, and the South acquiesced. I regarded it after that, a decided question, and acting on the principle of *stare decisis*, I have given vote after vote in conformity with that line of division. Soon after this partition, by way of making amends to the South, I suppose, the Spanish treaty was entered into, by which Florida was obtained, and Texas was yielded up, and again we were wronged; but let that pass.

Here I must take occasion to allude to that proviso which seems to haunt the imagination of the gentleman from Massachusetts, (Mr. Winthrop,) and which he offered to the Oregon territorial bill. He offered a proviso prohibiting slavery in that territory. I voted against inserting it in the bill, because I regarded it as dashed at the South wantonly and unnecessarily. He says now he regarded the Missouri compromise as covering that territory; so do I; and therefore it was unnecessary. When it was inserted in the bill, being anxious to furnish those people with a government, and the protection which they were praying at our hands, I voted for the bill. I did so, because I wished to keep good faith. Those who will examine the law will at once see that all who intended in good faith to observe the Missouri compromise could not have done otherwise. These are its terms:

"*That in all that territory ceded by France* under the name of Louisiana, which lies north of 36° 30′ north latitude, not included within the limits of the State contemplated by this act, slavery or involuntary servitude otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be and is hereby forever prohibited," &c.

The question then was, Did Oregon constitute a part of the Louisiana purchase? Our ablest statesmen so regarded it; and the fact that our northern line was finally settled down at 49°, instead of 54° 40′, is evidence that it was made the basis of our treaty with Great Britain. Was it north of 36° 30′? Of that there is no question; these two points covered the whole case.

But it may be asked why, in 1848, the South was not willing to give the same vote in pursuance of the Missouri compromise? The answer is simple and direct. At that time we had acquired other territories. New Mexico and California—a portion of which lies south of 36° 30′—and the South again and again avowed a willingness to carry out the Missouri compromise. It was refused. The North showed a disposition, aye, a determination, not to keep good faith with the South. As long as we had no territory over which the line could be extended, the North could call upon us to keep faith without a pledge, which the same members could not reciprocate by extending the line. But after our late acquisitions they had no such ground to stand upon, and we saw plainly that the treachery was intended to be practiced. These statements explain my course in reference to this matter; and my error, if I committed any, was in an attempt to keep good faith with a people who have shown a reckless disregard of all honor or obligation, when a stipulation with slaveholders, as we are termed, is to be observed.

Next in order is the annexation of Texas. It was known that Texas claimed the Rio Grande, from its mouth to its source, as her western boundary, when she applied for admission. If she could in any way or at any time make good this claim, it was seen that a portion of her territory would lie north of 36° 30′. The North, jealous of her claim that slavery was not to pass north of that magic line, again demanded the recognition of the restriction north of it; the South readily kept good faith in its true spirit—a hard contract, harsh and unjust in its terms, but honor, honor demanded, and she consented without a murmur.

Thus it has been that this line has given peace and quiet to the country. The North has received and is now enjoying her part of the contract. A portion of territory yet remains over which this line has not been *de facto* run, though in justice, in spirit, in honor, it has been run; and when the North passes that line, I shall feel their morality is founded in that school which characterized the corrupt early churches, that it was no sin to break faith with heretics.

The advocates for the admission of California place their support, principally, on a regard and deference for the declared opinions of the people in that country. No one goes before me in their respect for the opinions of any people when legitimately expressed. It is for that very reason, and on that very ground, I call for a division of California. The proof is satisfactory that the people of that territory, south of 36° 30′, prefer a territorial government, and are now asking it at your hands. If California must come in as a State, a regard for the people will require you to limit its southern boundary by 36° 30′. This should be done on the plan proposed on yesterday at the other end of the Capitol, by the Senator from Louisiana, (Mr. Soule.)

But it is said that the South should prefer to take in the whole Pacific coast in one State, otherwise a division will operate in the increase of the number of free States. This may be so. But what guarantee have we that, after the admission of California, with her free-soil constitution and her gigantic proportions, she is not to be divided and subdivided as often as sectional jealousy and ambitious men in that State may

ask for a partition? Congress can, at any time, divide a State with the consent of the people thereof. And my opinion now is, that whenever they permanent y locate the capital of the State, then will come here a petition for a new State, and whenever that petition is presented, my opinion is, it will be granted. Establish a territorial government for South California, carry there the doctrine of non-intervention in good faith, and secure to the territory the full right to decide, when she applies for admission as a State, all questions in reference to slavery. This territorial government is called for by the people; the South would be satisfied with it. You yield no principle in according it, but rather maintain your consistency. And if God and nature are against our settlement of this territory, we will never complain. To God and Nature we will submit; all we ask, let man, with his devices, not interfere.

This line of 36° 30' ought, in justice and good faith, now to be extended to the Pacific. All other methods of adjustment will be but laying the foundation of greater trouble in the future. I repeat, I have sought to agree with my friends upon some other basis. I find it cannot be done without practising some deception on the one side or the other. Such are the difficulties which environ this whole subject, that we must act in that spirit with which Abraham and Lot divided the country between their respective households. You go to the right, and we to the left; and there shall be peace between us—your people and our people. I am opposed to all double-dealing—frankness, candor, manliness, directness, and patriotism, demand that we shall understand each other. But you reply, more in false pride than in sound reason, if this compromise be passed, the South will have triumphed, and demagogues will raise the cry, that the North has succumbed. This will not be true; indeed, I will ask you to violate none of your principles. Divide the Territory by this line; north of it, interdict or not slavery, as it may suit you. In this respect, take your own course; south of that line, leave the people free, with the assurance, that when they form a State constitution, they shall decide the question of slavery for themselves. This is as far as I can go with a due regard to the South. This proposition you can accept, and leave the result to natural causes. For years, I have observed a fashion in this House, with Northern members, to denounce each other as doughfaces, and with such-like terms; and I have thought that gentlemen fear these catch epithets more than they do an argument. Their force I do not comprehend—for I regard that man more as a doughface, a coward, that shrinks from a discharge of his duty to the whole country, of which he is the representative, rather than meet and attempt to correct and satisfy the unreasonable prejudices of the unenlightened at home. He is the doughface who panders to unjust sentiments, in order to win favor, and cowardly retreats from the task of enforcing upon his constituents the propriety of observing their constitutional obligations. That was a noble sentiment of Mr. Webster when he says, the people should undertake the task of overcoming themselves.

It is charged by the gentleman from Pennsylvania (Mr. Wilmot) that the South has committed an aggression upon the North, in seducing her public men from their fealty to the North. I charge that the aggression is in an opposite direction. The North has the political honors of this country at her disposal, and these temptations have already carried away from their duty to their own section many of our ablest men. Indeed, the very idea of forming a national character with our statesmen is now tantamount to treason to her interests and power. This has been one, and will, I fear, be done again and again.

But again: You object that the Constitution will not admit your interdicting slavery north of 36° 30' no more than it will south of that line; and by adopting this line you concede the whole power of Congress over this subject. As an original question this is true, and I would never ask it; but time and universal consent have sanctified such a measure as a peace-offering upon the altar of our country. I would act upon the same principle which controlled Mr. Jefferson in the purchase of Louisiana. I would do it *ex necessitate rei*, from the force of circumstances. We are in a dilemma which the framers of the Constitution could never have contemplated. It is a *casus omissus*. Thrice has a line of division been agreed upon, and thrice has it given quiet to the country. Agree to it once more, and the greatest obstacle is removed in our future progress. It is a charmed line—the bow of promise. It is the work of the North forced upon the South. Now observe your own handiwork, and the sky of the future is bright and full of promise. Neglect it, reject it, and darkness, visible darkness, obscures our pathway.

But shall we go on making other and further acquisitions? My experience has cured me of this propensity. I believe it has satisfied the South. If, however, you so settle these questions that another acquisition will enable you to surround the South with States where the negro goes free, I fear, I believe, the questions of new acquisitions will soon be the turning point of a presidential election; and the South will be too weak to defend herself at the ballot box.

I disdain to play a game of brag. I would not be guilty of the consummate weakness of supposing that anything is to be gained by an appeal to the fears of any section of this Confederacy. Bravery is the characteristic of our people, North and South; cowardice is the exception. I have no thought that the North could ever subdue the South, nor could the South subdue the North. Such reflections are unbecoming and a profanity to our system of Government.

We are brethren, all of a common stock. Shoulder to shoulder we have gone through many a hard contest; together we have suffered, together we have triumphed and rejoiced. In your pride of power, wrong us not; attempt not to trample down our proud American spirit, or to force us to admit the negro race into terms of social equality with ourselves. It will be vain. We are your equals in honor, in character, in virtue, in religion, in charity, in patriotism; your equals we shall remain. But deal with us in that christian spirit of doing to others what you would have them to do to you under similar circumstances, and our country will be happy, prosperous, and contented, and ours will be a bright and glorious destiny.

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SPEECH

OF

HON. J. R. THURMAN, OF NEW YORK,

ON

THE CALIFORNIA QUESTION.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, SATURDAY, JUNE 8, 1850.

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THE CALIFORNIA QUESTION.

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. THURMAN said:

Mr. CHAIRMAN: A very distinguished Senator, in the opening of his late famous address to the Senate of the United States, said, "I wish to speak to-day, not as a Massachusetts man, nor as a northern man, but as an American, and a member of the Senate of the United States."

That sentiment, expressed in a slight change of language, with which I desire to address this House, is, I wish to speak *as* a northern man, *as* a New York man, *and as* an American.

I can see nothing in the character and feelings of New York men and northern men, incompatible with a true, American patriotism. Indeed, I believe that the State which I have the honor in part to represent, is most truly national in its feelings, interests, and politics. That it has surrendered more of power into the hands of the General Government than any other State, and, that it has a larger stake in the perpetuity of our Federal Union. Her geographical position has enabled her to profit, in a pecuniary point of view, by this Union; she has extended her capital into every new State of the Republic, and encouraged the citizens of those States to develop the latent resources of the earth and soil. She has stretched her lines of commercial communication across her own bosom, and sent forth the means to other States to connect their various sections with her great emporium.

I am free to confess, that in all this she has looked well to her own interest; but now that that interest is thoroughly interwoven with all parts of the Union, she may surely be regarded as the most national and least sectional of any of the States of the Republic. She is not disposed to set up for Congress powers which infringe upon the rights of the States, or advocate the exercise of lawful powers which draw invidious distinctions between sections. It may rather be said of her, that on more than one occasion she has allowed her own rights to be invaded, and for the sake of the harmony and welfare of this Republic, has refrained from the least complaint. She can well afford to be magnanimous, and magnanimity is ever coupled with justice. She is just to others, and has no desire, at this time, or at any time, to encroach upon the rights of the weak.

Now, Mr. Chairman, I will attempt to discuss the exciting questions before this committee.

And, first, let me remark, that the chief difficulty of fair adjustment lies in the fact, that we have no common hypothesis to stand upon, and that our southern friends are neither agreed among themselves nor consistent with themselves, either with regard to construction of law, facts, or the undamental principles of the Constitution.

Without meaning to assail the integrity of so eminent and able a statesman as the honorable Mr. Berrien, of Georgia, I will take his case as an instance of a change of position upon a very essential point in this controversy.

In 1844, he was opposed to the annexation of Texas, and, in reply to the arguments of certain southern men, that Texas would furnish a protection and safeguard against the escape of the slaves of the South, by being annexed to the United States, he said:

"If Texas remains as she is, we have on our southwestern border a State in which slavery exists, not only under the guarantee of its constitution, but under a constitutional inhibition to abolish it. If Texas be admitted to the Union, our immediate neighbor will be Mexico, and her constitution forbids the introduction of a slave into her territory. Texas, as she is, an independent State, employing slave labor for the cultivation of her soil, constitutes a barrier to the contiguous slave States of the Union. Texas as she would be, if this treaty were ratified, would afford an outlet of escape for the slave to a country where, from the nature of its institutions, from the variety and admixture of its population, from the amalgamation of the Spaniard, the Indian, and the negro, he would find a congenial home."

Here, then, we find him holding the ground that Mexico was free from slavery, and that the ready amalgamation of the Indian, the Spaniard, and the negro, would supply facilities of escape and refuge to the runaway slaves of the South. He preferred the interposition of the independent slaveholding republic of Texas, whose constitution contained an inhibition against the abolition of slavery between us and Mexico, to the removing our frontier to a contiguity with a free State. *Then* the scheme of annexation was not thoroughly entered into by all parties at the South; *then* the waning power and departing sceptre of the South had not created in the minds of all parties a longing for the political equilibrium; and *then* it did not clash with the designs of the South to regard Mexico as a State, freed from the institution of slavery.

Now, we find this usually liberal and national statesman, in a speech delivered during this session

of Congress, going into an ingenious, but, as I think, fallacious argument, to show that the decree of the Dictator Guerrero was not regarded by the Mexican Congress as binding, and that the acts passed by that Congress in 1829 and 1837 were unconstitutional and void.

I know, sir, that neither the honorable Senator nor the South generally, profess to rely fully upon the latter position; for they go further, and assert that the Constitution of the United States, the moment the Territory was transferred to the United States, took effect, so as to sweep away all the *leges loci* inconsistent with its provisions; that the Constitution guaranties the right of property in slaves, and that the slaveholder can go to this country and hold his slaves as property under it.

I will answer this argument in its proper order, and will now adduce another instance of change of position on the part of southern statesmen.

The doctrine of non-intervention, as it is called, was set forth by General Cass, in his Nicholson letter, and the whole Democratic party at the South rallied to his support, upon that point. Now, sir, what is this doctrine? It is, that Congress has no authority to pass any laws either abolishing or establishing slavery in the Territories; and, that the settlement of the question must be left to the people of those Territories, whenever they shall form a State constitution and laws. In the confident expectation that this doctrine would be adhered to by, at least, the Democratic party South' the people of California, pressed by a growing necessity, and, long neglected by the General Government, have formed a republican constitution, and, settling this very question for themselves, apply for admission into this Union, according to the terms of the Constitution of the United States and of the treaty of Guadalupe Hidalgo.

Here is an opportunity to put the admitted doctrine into practical operation; but sir, it is evaded by frivolous and merely technical objections, all of which, these gentlemen are most ready to waive, for considerations of compromise. If these objections are real and worthy of notice, they ought certainly to involve constitutional principles; and I cannot see how independent, incorruptible, and conscientious gentlemen, as the southern statesmen boast continually of being, can compromise the Constitution.

They are now ready to make the admission of California one of the conditions of a general arrangement of our difficulties, and, we are also informed, that a recognition of the right of the slaveholder to hold his slaves as property in the newly-acquired Territories shall be another of those conditions. Is this pure non-intervention, or is it intervention to establish, equally as unconstitutional, on the hypothesis assumed, as an intervention to prohibit slavery?

Again, sir: whenever the subject of the interference by Congress, under the clause of the Constitution authorizing it to regulate commerce between the States, is remotely hinted at, the whole South cries out, our slaves are not merchandise, in the general sense of the term; they cannot be the subjects of commercial regulation; they are property only in the States where slavery exists, and are subject to municipal and local regulation. The States pass laws inhibiting their introduction merely for sale as merchandise; and the constitution of at least one slave State has made it unlawful to introduce slaves as merchandise for sale into the State.

But when the question arises, whether Congress has power to exclude slavery from the Territories, slaves become property in the largest and most extensive application of the term; they are merchandise, chattels; they are like horses, cattle, and other domestic animals.

Now, sir, permit me, in passing, to refute, in a homely way, the absurdity of this position: A slave escapes and is pursued by his owner into a free State. He is reclaimed under the provisions of the Constitution and laws of the United States. A horse escapes and is pursued into the free State and reclaimed according to law. Now, suppose neither the slave nor the horse are pursued and reclaimed. The slave cannot become the property of any person within the free State—he goes free—is a man, no chattel; and, by compliance with the requisitions, may become a citizen. But the horse is a chattel still; change of location has not changed his nature or condition. He is merchandise, property, everywhere, and the Constitution so regards him. The slave, on the other hand, is called "a person held to service"—he may not be a slave for life even; he may be an apprentice for a term of years, and, being a person, the Constitution has not authorized Congress to make him a chattel, it has merely authorized it to provide the means of his reclamation and return to the State in which the service was due.

Having instanced some of the inconsistencies and changes of position of those who oppose the power of Congress to inhibit the introduction of slavery into the Territories, I shall proceed to show, that Congress does possess that power, and that the circumstances of the present case call for its exercise.

I shall take occasion to say in this place, that I am not one of those who have come to the conclusion that slavery, as it exists in the southern States of this Union, is a sin—that is, that the people of the South who stand in the relation of masters to their servants, who are slaves, are committing sin by perpetuating that relationship. I cannot regard the question as one of faith, but merely of belief; and whether of faith or belief, is a purely theological question, not to be settled by the people in their political character, nor by the people's representatives. Besides, it is inconsistent with the plain letter of the Constitution and that spirit of religious toleration which dictated it, and which prohibits the establishment of any system of religion, to subject our fellow-citizens to a religious test.

My opposition to the extension of slavery, I prefer to base on the ground of its being a social and political evil; and as the South have been already taunted with the contrast of their condition when compared with the condition of the free States, I will not parade the picture before this committee, but, as a part of my argument, at once assume, what is visible to the eye of all, that slavery dwarfs the energy and retards the growth and prosperity of a people.

Regarding it in this light, it becomes my duty, as a fathful legislator, and in accordance with the great American maxim laid down in the Declaration of Independence, "that Governments were established for the benefit of the governed," to provide such governments for these Territories,

now placed under our charge, as will best promote *their* happiness and welfare.

The question arises, has Congress the power to prohibit the introduction of slavery into any of the Territories of the United States, when it undertakes to establish Territorial Governments? It seems to be assumed by all that Congress has the power to create such governments. Whence is it derived?

If directly drawn from that provision of the Constitution which authorizes Congress to "make all needful rules and regulations respecting the territory or other property of the United States," gentlemen say that the subsequent clause of the provision, which prohibits Congress from interferring with the "claims of the States," debars us from passing any prohibition against the claim or right of the inhabitants of the States to carry their property, whether slaves or any other property, into the Territories.

"The claims," undoubtedly refer to property, but if in the former clause "property" is synonymous with "territory," it must mean land—the land in the territory. It cannot mean property in the States, for all such property is subject to the laws of the States.

This then, destroys the idea of a transfer of the rights of property, peculiar to certain localities, to the Territories. "All needful rules and regulations" must operate on persons; and acting upon persons are laws. Laws, to be effective, must be administered; and the administration of law is government. In addition to this, Congress is specially authorized to make such laws as are necessary to carry its powers into effect; if there were no special provisions of this kind, it would follow as a matter of course—of necessity.

Besides, the power to acquire carries with it the power to govern a Territory.

It is true, I am one of those who have doubted the authority of this Government to acquire foreign territory. We have been overruled, and overruled by those who now seek to curtail the power to govern.

This is a very apt illustration of the truth "that they that sow the wind must reap the whirlwind." These Territories were wrested from Mexico at the procurement of the South, and after due notice that free territory must be kept free. It remains for those who object, to show that legislation in regard to the subject of slavery must be excepted from the power to legislate. And the only argument adduced is, that it is an unfair exclusion of the slaveholder from participation in the Territories.

This assumes that he has a constitutional right to hold his slave as property. But the Constitution does not recognize the right of property in man, much less the right to transfer a local regulation of property to the Territories. The word "slave" was studiously kept out of the instrument, and the word "person" inserted, as referring to slaves. But I need not press the argument any further. It is trite, familiar to all, and can receive no additional force from my expositions. After so thorough a discussion as it has received, I may fairly assume that it is proved.

But, sir, if it may still be disputed, why do gentlemen announce their determination to cast aside their appeal to the constitutional remedy against unconstitutional legislation, and threaten us with a dismemberment of this Union, civil war and all its horrors, if we do not desist from the exercise of this power? They even menace us with an interruption and overthrow of this Government itself, by withholding the supplies necessary to carry it on.

Sir, permit me to say that such conduct will raise an issue of more momentous import to the people of this country, than the question of slavery extension: A question whether we shall have a democratic republican government, in which a majority of the people shall rule according to the Constitution, or whether we shall have an oligarchy, in which the minority shall dictate the legislation of the majority.

If we submit to this, at any time hereafter, whether on the question of slavery or any other question, in which a large interest is combined, the few may control the many.

We have a great and increasing tariff interest, a powerful commercial interest—powerful States may combine and set at defiance their sisters of the Republic.

If this Union and its Government are the weak and decaying fabrics, which they are by some regarded, and which such menaces would lead us to suppose they regard them, I believe the northern people would not be unwilling to try their strength, before time and accumulating weight would make their fall more disastrous. The North has no idea of disunion; we will do all in our power to preserve the Republic, save a submission which brings about a revolution, bloodless though it be, yet real and complete.

We have been accused of a design to stretch a cordon of free States around the slave States, and thus compel them to resort to the emancipation of their slaves. And a gentleman of this House, supposed to speak for the North, has admitted the charge to be true. I have never heard the design broached in my district, nor in the North. The policy is new to me; indeed, the absence of all motive for such design is a sufficient refutation of the charge.

To say that slavery must have geographical limits, is but to say that nations have such limits. We may entertain an opposition to the extension of the limits, but opposition to extension does imply a *design* to limit—to set new limits—nor even employ those now fixed to the injury of the institution limited.

It is one of the evils of slavery that its overgrowth demands extension, and extension which one day must reach its outer bounds.

Whatever hopes the friends of human liberty may entertain in regard to slavery's curing itself; whatever sagacity they may possess in discovering the mode by which the evil will extinguish itself, the North cannot be charged with deliberately originating a *design* to drive slavery to effect its own extermination.

Slavery at the present has "ample room and verge enough," and if slaveholders, through the keenness of their foresight, have discovered that the day is approaching when their now cherished "institution" will be a burden, an intolerable curse, it would be wiser to employ their mental vigor in contriving a mode of safe emancipation and removal of their slaves, than to wrangle with the North about a point of honor, and question of constitutionality, which has been settled by the

whole policy of the Government for the last fifty years.

Besides, when the Constitution was formed, the idea that our territory was to be extended, was not entertained; much less was any intention of extending the area of slavery anticipated. The relief which that institution has enjoyed by acquisition and annexation of slave territory, has been gratuitous on the part of the North. And when the free States refuse to convert free territory into slave territory, for the further relief of the slaveholder, it is unfair to charge, and it is unauthorized to acknowledge, that that refusal is made with a wanton design to destroy the institution of slavery.

The next point to be considered is, if Congress has the authority to prohibit the introduction of slavery into the newly-acquired Territories, ought the authority to be enforced at this time?

I have heard very distinguished and able men of the South admit the authority, and at the same time declare that the exercise of lawful authority may become the most oppressive and tyrannical use of power. A very distinguished northern statesman has pronounced the prohibition as unnecessary and insulting to the South; and is willing to rely upon physical geography and the laws of nature to exclude slavery from these Territories.

Sir, I believe that many parts of the country in question are equally as well adapted to slave labor as any territory in which slavery now exists. We are assured by a Senator from Virginia, that slave labor would be immensely profitable in the gold mines, and that if it had not been for the pendency of the Wilmot proviso, as it is termed, slaves would be carried to the mines, even though emancipation within two years was the condition. But, sir, I know of no more necessary occasion for the exercise of a constitutional power of Congress, than when the power is denied. To abstain from the use of the power in a moment like this, is to surrender the power altogether. And if the power is now surrendered, the next concession demanded, (nay, is now demanded,) will be that the Constitution authorizes the introduction of slavery into the Territories, by first guarantying to the owner of that kind of property protection and security, and next annulling the entire *lex loci* of the newly-acquired territory which interferes with its provisions. Let the action of Congress conform with these pretensions, and slavery obtains a foothold in the country which it did not possess under the Mexican law, and which no principle of right would warrant.

The ordinance of 1787 was not considered unnecessary or insulting, and its reënactment created no excitement, and was not regarded as a taunt or insult to the slave States.

But, sir, the idea is advanced that the Territories are an estate in common, and it is a fraud to debar the slaveholder from an equal participation in them. In connection with this idea is the political heresy, that this is a Government of trust powers, held and to be exercised for the benefit of the grantees—that is, the States. Now, sir, I deny the whole doctrine of trusteeship as applicable to the Government. It is incompatible with the Constitution, which says: "We, the people of the United States, in order to form a more perfect union," not league; and after enumerating certain other objects, goes on to clothe the different departments of this Government with the war, and treaty-making, and legislative powers. These are all the elements or constituents of sovereignty. The United States became sovereign, and as a sovereign, has conducted its intercourse with the nations and governments of the world. She has been regarded and treated as an entity by those with whom she has held intercourse.

But, sir, if the idea of trusteeship is to be admitted into the consideration of the case, the uniform practice of the General Government in managing the Territories for *their* benefit strikes me as the most appropriate and just discharge of duty. She has allowed them to ripen into States—States composed of the citizens of the Union, and allowed them full and disembarrassed opportunities of being admitted into the Union of the States.

To carry out this idea of a trust, we ought rather to regard the Territories as wards, as beneficiaries of an estate, which is to be managed *for their* benefit, and at last delivered over to their possession in the best possible condition and political welfare. For the General Government to fold its arms, and permit slavery, or any other political evil, to overrun the new territory, would be to abandon them to ruin. For these reasons I should feel justified in voting for what is termed the "Wilmot proviso," whenever we undertake to establish territorial governments.

Now, sir, in view of settling our present difficulties, we have before us three modes of adjustment: First, the recommendation of the President, to admit California with her present boundaries and constitution, and leave the settlement of the slavery question to the Territories, whenever they apply for admission as States; this is the subject properly before this committee. But, by way of amendment, we have notice of matters to be attached, which, in my judgment, ought not to be discussed or mingled with the question of the admission of a sovereign State. And, lastly, we are called upon to run the line of 36° 30′ to the Pacific, and decree that slavery shall not be tolerated north of that line. This is to cut down the boundaries of the State of California, and leave a portion of the remaining territory to create the same difficulties and excitement in regard to the subject of slavery which now exists. The President has taken into view all the difficulties and dangers of attempting to do too much. And in order to leave the question of the admission of California to stand upon its own merits, has proposed her speedy admission, independent of the other vexatious questions. He has been denounced as failing to meet the crisis. He has been charged with tampering with the people of California, and attempting to obtain by indirection what the friends of the proviso propose to do openly—exclude slavery from the newly-acquired Territories. This latter charge, if not entirely abandoned, has been triumphantly refuted, and has not the least evidence to sustain it. The complaint, that the President has failed to meet the crisis, can best be answered by inquiring what the crisis is.

Whenever politicians seek to create issues which shall draw the public mind from the channel of fair discussion, they are prone to invent issues which shall best suit their own designs. It cannot be denied that the action of the late Administration has entailed difficulties growing out of the acquisition of new territory, which the opponents of that

Administration sought to avoid. But the late party in power, have discovered that these difficulties were not sufficiently embarrassing to the present Administration. They must pile Ossa upon Pelion, and open all the bitter fountains of sectional animosity. The South, already sensitive upon the subject of the reclamation of fugitives from labor, has been fomented into frenzy upon that subject. The abolition of the slave trade in the District of Columbia, a measure in which all sections were quietly and contentedly acquiescing, has been thrown into the caldron of strife. And all this is done to convict the President of weakness and inability to meet the crisis.

But what has the reclamation of fugitive slaves to do with the admission of a sovereign State into the Union? What has the establishment of territorial governments to do with the abolition of the slave trade in the District? The fair issue is, how shall we dispose of the newly-acquired Territories in a way to avoid and assauge the sectional jealousies, concerning the disposal of those Territories? California, acting under the American right to form a State, has officially informed the head of this nation that she is ready for admission; and the President has tranrmitted the constitution of the newly-formed State to Congress, with a recommendation, that she be admitted into the Union of the United States without unnecessary delay.

In view of the difficulties and dangers of attempting, in the present condition of parties in the House and Senate, to form, by act of Congress, territorial governments for the remaining territory which we have recently acquired from Mexico, he advises us to leave that territory in its present condition, to settle the question of slavery for itself, whenever, as States, it shall apply for admission into the Union. He has also refrained from any recommendation of a mode of settling the question of boundary between Texas and New Mexico, regarding it as a question appropriate to the adjudication of the Supreme Court.

Permit me to inquire what failure to meet the exigencies of the times and of the occasion can be discovered in this course of the President? If his political adversaries charge him with refusing to be dragged headlong into a snare which they have contrived, the country will appreciate his sagacity, prudence and patriotism. If ambitious aspirants for the Presidency have digged a pit for him to fall into, and now rave with disappointment, because the stern old Roman has courage and firmness to adhere to his own honest and manly course, let them fulfill the Scripture, by falling into the pit themselves.

But, we are told the country is agitated from centre to circumference by the great exciting subjects which engage the public mind. I believe the excitement is overrated and the agitation is strictly congressional in its character.

We were told in the early part of the session, that thirty blast furnaces were at work thoughout the Union, and one great national furnace, this Congress, at the work of agitation. The fires of the "thirty" are now extinct, like the unfortunate forge-fires of our iron makers, and it requires the most industrious efforts of Senatorial declamation to supply fuel to keep alive the congressional agitation.

The people are at peace, waiting anxiously, though not impatiently, for a dilatory, and I may say a factious, Congress, to discharge its duties, and give protection and security to the languishing interests of the country.

In my opinion, the President has met every crisis, as that is the term in vogue; a term completely robbed of its force and meaning by its familiar and hackneyed application to every question of the day.

The agitators, who create unnecessary issues, who are arousing spirits which they have neither the power nor the disposition to quell, are most likely to fail in this conflict; and if they fail in accomplishing their sinister purposes, the country may rejoice. But there is a practicability in the mode suggested by the President. He first advises a measure which will meet the entire approbation of the country, the admission of California as a State, and next seeks to remove from Congress the remaining two questions, which fairly belong to the Territories—the question of slavery extension to the Territories, and the boundary question between Texas and New Mexico. No one can deny, that if these two latter were taken away from Congress this agitation would cease. There would be no subject of contention between sections; and a dispassionate observer must inevitably infer, from the opposition to this plan, that its opponents do not desire a settlement at this time. It has been evident, from the outset, that a large and powerful party are determined to crush this Administration under the weight of superincumbent difficulties, and achieve the eclat and popularity of final adjustment; a dangerous and treasonable party really desire a separation of the States, and this party desires no adjustment, or disposal of the elements of discord, and these two are coöperating to denounce the President and his patriotic advice to Congress. A plan which extracts the *virus* of this controversy about slavery cannot be acceptable to those who build their hopes of political and sectional agrandizement upon the strife and agitation of this question.

Again, sir: none of us can fail to discover the ulterior design of politicians in a certain section, to use the power of the General Government to extend an institution which, by the Constitution made under the exigencies and circumstances of the day of its formation, is a basis of political power. The South must not suppose that there exists a design to abandon the compromises of that instrument. We do not begrudge the South their slave representation.

They, however, in view of the increasing strength of the North, are struggling for an "equilibrium" of political power. I know, sir, we have heard much of the argument, that diffusion will not increase the numbers of the slaves. Whilst I will not insist that this is not strictly true, (for population of all kinds increases by a ratio which is materially affected by circumstances,) I must reply, that the representation in the Senate is equal between the States and not regulated by population.

If, then, the slave interest, which in this country, is an element of political power, can secure and retain an equal number of States, a great political object is attained. This, then, is the key which unlocks the motives of the opposition to any prohibition of the extension of slavery, and explains the object for holding to every theory which interferes with the design. This will explain why the ordinance of '87 is now a taunt and encroachment; why statesmen repudiate the ground that slavery is prohibited by local law in the newly-acquired Mexican territory; and why the modern idea of a

transfer of right to hold slaves as property, from a sovereign State where slavery exists, to the territory of the United States, is advanced.

The President saw all this, and proposed such action of Congress as raised no issue of doctrine, and which ought to have met with the approval of all parties.

He is condemned by the ultraist of both sections, for failng to establish slavery on the one hand or prohibit it on the other.

This conflict, I have said, Mr. Chairman, grows out of a struggle for political power. All the talk about the reclamation of fugitive slaves, the agitation of Abolition theories, and the abuse of the South in the public press at the North, are the mere paraphernalia with which gentlemen are prone to surround the main question. The security of slave property in the States, the probability of any future encroachment upon that property, are themes upon which Buncombe speeches are made—amusing and perhaps expedient for men, but they have no intimate relation to the main question.

Shall the compromises of the Constitution in relation to making the slave population a basis of representation, be extended to new States, never had in view when the Constitution was formed? And shall the generous conduct of the North in consenting to the purchase of Louisiana and Florida and their admission as States, with a slave basis of representation, be an encouragement to the South, who are impatient of political inferiority, to demand a further extension of slavery, and a consequent slave representation in Congress?

This, sir, is the issue between the North and South; and it is evident that one or the other must yield, or the conflict may be disastrous.

If common ground can be found on which both sections can stand and permit the arbitrament of the question to be settled by time and those parties most directly interested in the result, why is the President's plan rejected? It can be for no other reason than that a settlement is not desired. The agitation of these questions is the pabulum on which certain politicians feed, and upon which they rely for political existence. The President's judicious counsel is rejected, and all parties are at sea. For months the legislation of Congress is suspended; and devices and schemes of impracticable adjustment are the subjects of never-ending discussion.

It may not become me to speak of legislation in progress in the other branch of the National Legislature, but, sir, it is notorious that this House has been kept upon the discussion of the subject now before us, when debate is exhausted, for the unconcealed purpose of awaiting the action of the Senate upon a system of compromise. Compromise is an alluring term. I would not reject a measure of adjustment in advance. I may vote for a settlement of the Texas boundary. I am not pledged against the amendment of the law of 1793, in relation to the reclamation of fugitives from labor. But, sir, every gentleman who has favored such a scheme in this Hall, has failed to show the propriety of keeping California in waiting for a reconciliation of all sectional differences. As well might she be made to wait until the modification of the tariff of 1846 is made satisfactory to certain languishing and somewhat sectional interests.

I know, sir, that there is a system of legislative management, familiarly called "log-rolling;" but when was log-rolling employed on so stupendous a scale as this? When was a strong measure made to bear the intolerable burden of so many weak and obnoxious measures? Never, sir, in the history of fair and constitutional legislation. And if the friends of the great scheme suppose that the people of the North are so anxious for the admission of a free State into this Confederacy, as to submit to a system of unpalatable and offensive measures, they mistake the spirit and judgment of that people. The North regards the annexation of Texas, in the manner in which it was effected, as a violation of the Constitution—the war with Mexico as a measure brought about by Executive usurpation and wrong—the acquisition of foreign territory by conquest as a deplorable and pernicious evil. But, sir, the North will not be chargeable with a violation of treaty obligations. She is ready and willing "to incorporate" the territory acquired "into the Union of the United States." She is *not* ready and willing to sacrifice feeling, principle, humanity, and the political position which, under the Constitution, she had acquired by her own honest vigor and enterprise. If California be rejected in her application for admission, the North will stand acquitted of violated faith; and upon those who have violently and unjustly cast her fortune into the scale with heterogeneous and unpopular measures, must rest the odium and responsibility of her rejection.

The clock reminds me that my hour draws to a close, and I shall notice one point of importance. I may not be able to complete what I have to say upon this topic; but, claiming the privilege of custom in such cases, shall, at leisure, commit to paper what I intended to say.

The South continually complain, that all the opposition of the North to slavery proceeds from a sickly sentimentalism, a sort of pharisaic propensity to find motes in others' eyes; and that the free States are oppressing the slave States, by urging a mere abstraction.

"Leave us alone in the quiet enjoyment of our rights is all we ask," say they. But, sir, I challenge the proof of this position. I appeal to the constant and unwearied efforts making, to get, by indirection, by direct means, or by any other means, a recognition of slavery in the Territories. The Missouri line running through territory where slavery was recognized by the *lex loci*, prohibited the existence of the institution north of the line, and permitted things to remain in *statu quo* south of the line. Now, when the South demand an extension of the line to the Pacific ocean, they couple it with a demand that Congress shall recognize and protect slavery south of the line. Call you this a mere abstraction? Is there nothing practical in this issue? Is it anything less than a demand of the North to lend its political power to plant a curse, "a great social and political evil," on free soil? It would be more liberal and candid to attribute our repugnance to incur the guilt of such an awful responsibility, to conscience, to good faith towards the helpless Territories intrusted to our care than to a mawkish sentimentality.

I know there are fanatics in every land. The masses are, in the main, sober-minded; and rely upon it, sir, that one universal, deep-seated resolve exists in the mind of the North, that our people will not be answerable before high Heaven for the establishment, either through their gross neglect or positive action, of African slavery on soil now free.

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SPEECH

OF

HON. S. R. THURSTON, OF OREGON,

ON THE PROPOSITION

TO ADMIT CALIFORNIA AS A STATE INTO THE UNION.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, MARCH 25, 1850.

WASHINGTON:
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1850.

ADMISSION OF CALIFORNIA.

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. THURSTON said:

Mr. CHAIRMAN: I have come here as the delegate from the Territory of Oregon. I have the honor of being the first recognized Representative from the Pacific coast, and am at this time the only one accredited from that country on this floor. I come from the toil-worn people of that distant Territory, to speak and act in all cases, as I believe they would do, were they here, acting in my stead. I come here, sir, not as a party man, though I belong to a party; and not as a sectional man, though I belong to a section. Though by the law, I may be entitled to all the rights, save one, to which a Representative from a State is entitled, yet, as a matter of courtesy to the members of the House, if not of ease to myself, I shall refrain from all debate, except on such questions as my territory is immediately interested in; and on such I shall endeavor to confine myself to the question. On such questions, I have no doubt, the members of this Congress, whether sitting as a House, or as a committee, will be disposed to grant me the privilege of speaking, and do me the honor to listen while I speak.

The question of the admission of California into this Union as a State, is one in which, for several reasons, my Territory is deeply interested. California and Oregon are twin sisters. They are allied together, by cords so strong, by feelings so similar, and by occupations so widely different—and for that reason more important to each other—that you cannot even jostle the one, without the other's feeling the motion. When you raise the knife over one, the other expects to bleed. When adversity withers the foliage of the one, the leaves of the other wither; and when you insult and abuse the one, the fire of indignation flashes across the countenance of the other. And, indeed, so closely are we allied, and so dependent the one on the other, and so sympathetic are we, that the pulsations of the heart of the one send the very life-blood into the extremities of the other; and I must confess, that I involuntarily partake so fully of this spirit, that not a few times in this House, and in the other end of the Capitol, I have had my best feelings deeply wounded, as I have heard California and her people slandered, and perfectly overwhelmed with hard words, because they have dared to make use of one of the first laws of nature, *protect themselves*—because they have dared to construct for themselves a State constitution, and have knocked at your door for admission. For this, they are called "usurpers," "fugitives from justice," "Sandwich Islanders," "Indians," "negroes;" and the best vocabularies are taxed, to find epithets to express toward them a sovereign contempt. The people of California, sir, do not deserve such treatment; and here, I take occasion to return my thanks, and the thanks of the people of that coast, to the gentleman from Alabama, [Mr. INGE,] the most ardent of the ardent opponents to the admission of California, for saying what the truth will warrant, that a more intelligent and enterprising people cannot be found on the globe, than are to be found in California. I thank him for it, sir, because truly said, and because I shall have occasion to use it by and by; for what admissions come from an enemy, are entitled to double weight. This, then, being a question in which Oregon is interested, deeply and sensitively interested, I not only deem it my right, but my imperative duty, as her only Representative here, to interest myself in its success. To discharge this duty, notwithstanding many misgivings, has brought me to the floor in my place, to raise my feeble voice in behalf of California.

The position which I intend to assume, Mr. Chairman, and which I shall endeavor to make good by argument, is this, that California should be admitted into the American Union as a State on the terms she has asked—ay, sir, admitted into the Union without altering a single feature of her golden constitution. To maintain this position, it will only be necessary to remove the several objections which are raised to her admission. For the question is, simply, ought she to be admitted? The nature of our Government is such, as to presume the affirmative. Upon those who object, devolves the labor of showing cause why their objection should prevail. The Constitution provides that "new States may be admitted by the Congress into this Union." Now, I take it that nothing is more plain than this, that when a State presents herself, by her Representatives, with constitution in hand, for admission into the Union, it becomes the duty of Congress, without delay, to investigate the propriety of granting the request. If no objections appear, the propriety is unquestionable. This investigation is to be made by Congress; and that Congress is composed of different individuals; and those individuals who object, of course must show cause for their objection; while those who wish the State to come in, must remove the objec-

tions, if any valid ones are made, or must show that those made are not valid. I have said, that if no objection appears, the propriety is unquestionable—not only so, but the State presenting herself, if formed from our territory, has a *constitutional right* to demand admission. The Constitution clearly contemplates the admission of new States, on application. Congress cannot create new States, but *may* admit; and the construction of the word *may*, here, must be governed by the same rules as other laws, and the *may* comes to mean *must*. The implied liberty to a State to apply for admission, vests in that State the right to be admitted, if she presents herself with a proper constitution. If the State has a right to be admitted, then *may* does *not* mean optional, but it imposes a *constitutional necessity* on Congress to grant the request—in other words, Congress *must* do so. In proof of this position, I give a resolution, introduced by Mr. CALHOUN into the Senate of the United States, February 7, 1847, with an extract from his remarks made thereon. This resolution and these remarks I introduce here for the purpose of showing the right of California to be admitted as a State, if her constitution is such as to be able to come out of the republican crucible unharmed. I shall have occasion to use them for another purpose by and by. Here is the resolution:

"*Resolved*, That it is a fundamental principle in our political creed, that a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity and happiness; and in conformity thereto, no other condition is imposed by the Federal Constitution on a State, in order to be admitted into this Union, except that its constitution shall be 'republican;' and that the imposition of any other by Congress, would not only be in violation of the Constitution, but in direct conflict with the principle on which our political system rests."

And here are some of his remarks made upon it:

"Sir, (said Mr. CALHOUN,) I hold it to be a fundamental principle of our political system, that the people have a right to establish what government they may think proper for themselves; that every State ABOUT to become a member of this Union, has a right to FORM ITS OWN GOVERNMENT AS IT PLEASES; and that, in order to be admitted, there is but ONE qualification, and that is, that the government shall be republican. There is no express provision to that effect, but it results from that important section which guaranties to every State in this Union a republican form of government."

By this resolution, and the concise and explicit statement of its doctrines—for which Mr. CALHOUN is so preëminent—it appears that there is only one prerequisite qualification to vest in a State the right to demand admission, and that is, that her constitution shall be clad in the habiliments of republicanism. When that is the case, according to the doctrine of this, the greatest of southern statesmen—and I may say, sir, one of the greatest men of this or any other age—the young bride has a *right* to be wedded to the Union. The doctrine is so broad as to settle the whole question of boundary. But of this I will speak before I get through.

The next question, therefore, which appears to present itself in order, is the question, whether California presents herself with a republican constitution? If so, her right to be admitted is vindicated, unless other objections prevail. To the republican features of the California constitution, therefore, let us direct our attention for a while. I do not suppose this objection is relied upon; for that constitution is such as not only to give indubitable evidence of the wisdom and practical statesmanship of the men who formed it, but it bears plainly on its features the impress of the age, and the progress of civilization, and the rights of man. Here is the fourth section in the bill of rights:

"The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief. But the liberty of conscience hereby secured, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State."

By this section, the old dogma of the common law, founded on the superstition of the dark ages of its origin, that no man can be a competent witness unless he believes in a state of future rewards and punishments, or unless he believes in a God, or in a future state, is struck down, and the matter is left where it should be—it admits the witness, and allows the jury or court to judge, as to his credibility, in full view of all the facts. At the same time, with a sort of prophetic eye, the convention which formed the constitution, appears to have anticipated the fact, that this large liberty might be abused, by practicing licentiousness, under the cover of pretended religious faiths, and hence they added the latter part of the section.

In section 9, they demolish another old dogma of the law, that although a man might write and publish the truth, and though every one might be able to swear to the truth of the publication, yet he might be indicted, and convicted, and imprisoned for the crime of having told the truth to the very great good of the community.

Section 10 recognizes the right of the people to instruct their Representatives. Just in proportion as this doctrine is respected, just in the same proportion is the liberty of the people safe. The framers of the California constitution very rightly thought proper to place this right of the people beyond cavil, and inasmuch as the doctrine is impaled by the pickets of the Constitution, there is little to fear that a religious obedience, on the part of the Representatives of California, will not be promptly yielded to the mandates of her people.

Who can read the history of the legislation of the several States, Mr. Chairman, on the subject of imprisonment for debt, without interest? Compare the old blue laws of Connecticut to the 15th section of the bill of rights of the constitution of California! See that sheriff yonder, taking away the last bed from under the emaciated, dying wife, and even the old rusty, hand-worn Bible from her withered hands, as she gazes, with tears in her eyes, on the last lingering words of it, pointing out to her the way of life and salvation, and selling them to pay the bloated, beef-cheeked priest of her own parish, and dragging her heart-stricken husband to prison, and then look at the scrivener of the California convention, writing by the instruction of that august and liberty-loving body, "No 'person shall be imprisoned for debt in any civil 'action, on mesne or final process, unless in cases of 'fraud; and no person shall be imprisoned for mili-'tia fine in time of peace." Noble words, sir, and noble men who spoke them, and sacred be the pen that coursed their hopeful outlines!

Section 17 secures the right to foreigners, *bona fide* residents in said State, to possess, enjoy, and

inherit property, the same as though they were native-born citizens. The old doctrine, that a foreigner cannot possess or inherit real property, with all its attendant blessings, is exploded, and the converse doctrine is established by this section.

Of the 18th section, which prohibits slavery, I speak not—I need not speak. It is the *fiat* of a sovereign and enlightened people, speaking in the midst of the nineteenth century. It is the unanimous response of an enlightened convention, composed of men from all sections of our common country. It was framed where the air blows coolly and freely—it is the decision of a free people, deliberating for their own safety and prosperity, acting under the guaranties of the Constitution and laws, deciding for themselves their own domestic institutions, and exercising a right that is dearer to them than life. He who denies them the right, strikes at their liberty, and will receive the shaft of their indignation.

Here is the entire article on the right of suffrage:

ARTICLE II.—*Right of Suffrage.*

SECTION 1. Every white male citizen of the United States, and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the thirtieth day of May, 1848, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote, thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law: *Provided*, That nothing herein contained, shall be construed to prevent the legislature, by a two-thirds concurrent vote, from admitting to the right of suffrage, Indians or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

SEC. 2. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest on days of the election, during their attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house, or other asylum, at public expense; nor while confined in any public prison.

SEC. 5. No idiots or insane person or persons convicted of any infamous crime, shall be entitled to the privileges of an elector.

SEC. 6. All elections by the people shall be by ballot.

The qualification of voters is right. The right of the white male citizens of Mexico, who had elected to become American citizens, to take part in their new country, is justly recognized. The treaty of Guadalupe Hidalgo expressly provides, that those Mexicans who should remain in the conquered territories, after the 30th day of May, 1849, should "be considered to have elected to become citizens of the United States." They were a conquered people, and the honor of our nation required that they should be kindly treated, and properly respected. Then just notice how sacred the voter is held on election day—then, again, all elections by ballot, in order that the voter may be able to elude the importunities of the demagogue, and write upon his ballot the *untrammelled expression of his free will.*

Section 12, article four, reads as follows:

"Members of the legislature shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest, and they shall not be subject to any civil process during the session of the legislature, nor for fifteen days next before the commencement, and after the termination of each session."

Here, again, you see the watchful care of the convention, in setting up palisades around the rights of the people. Lest some member of the legislature might be harassed by the demands of a pitiless creditor, and thus his mind be distracted, and rendered unfit for legislation, the operation of *civil* process is suspended. *Salus populi suprema est lex*, is in this section the prominent thought.

If you examine that part of the constitution regulating banking and corporations, and that part of it throwing the elections of the several officers before the people, or that part guarding against State debts, or that part providing for schools, or that part providing for its own amendment, or those sections of it holding the property of the wife not liable for the debts or to the control of her husband, exempting a portion of the homestead, and rendering a man disqualified for holding office, who shall have been convicted of giving or offering a bribe, to procure his election or appointment; or, in fine, if you examine the whole constitution, you cannot fail to see that, to say the least, it ranks side by side, in its republican doctrines, in the comprehensiveness of its views, in the depths of its wisdom, and in its practical statesman-like features, with the most enlightened constitutions of the thirty States; and to say that it begins where the most enlightened of them leave off, and that it has made many a point on the route of civil liberty, to which none of them have attained, would be a declaration not altogether unwarranted by the facts in the case. Having thus shown, Mr. Chairman, that on the score of a republican constitution, California is not only entitled *not* to be rejected, but to be admitted, I will pass to the consideration of other points.

Not being able to prevail upon the point of non-republicanism in the constitution, the objector falls back upon the boundaries of the State, and says the State is too large. This objection I deny to be valid, as against her admission. I therefore propose to show, that the State is no larger than it should be, and that if it is, it should not prevent her admission at the present time.

The boundaries of the State of California are defined by her constitution as follows:

"Commencing at the point of intersection of the 42d degree of north latitude with the 120th degree of longitude west from Greenwich, and running south on the line of said 120th degree of west longitude until it intersects the 39th degree of north latitude; thence running in a straight line in a southeasterly direction to the river Colorado, at a point where it intersects the 35th degree of north latitude; thence down the middle of the channel of said river, to the boundary line between the United States and Mexico, as established by the treaty of May 30th, 1848; thence running west and along said boundary line to the Pacific ocean, and extending therein three English miles; thence running in a northwesterly direction, and following the direction of the Pacific coast to the 42d degree of north latitude; thence on the line of said 42d degree of north latitude, to the place of beginning. Also all the islands, harbors, and bays, along and adjacent to the Pacific coast."

And includes not far from 145,000 square miles. The reasons assigned by the objector are various, and we are in duty bound to consider them conscientiously made, and to examine them *seriatim.*

One of the most prominent of these reasons is, that she contains too much sea-board—too many harbors. This is a very plausible objection, and without examination, might appear to be entitled

to weight; but when examined in connection with the facts, I have no fears as to the result, because the facts of the case will place this objection in the same category with that to the features of the constitution. California, as it is well known, does not contain quite ten degrees of latitude; but from the trending of its coast, it is perceived at once, there is more than six hundred geographical miles of coast contained between her northern and southern parallels; and to be accurate in the matter, I addressed the following note to Captain Charles Wilkes, of the United States Navy:

WASHINGTON, *February* 22, 1850.

Captain CHARLES WILKES:

DEAR SIR: Will you do me the favor to inform me what number of miles of Pacific sea-coast California has, measuring from one headland to another.

I am, sir, very truly yours, SAML. R. THURSTON.

To this note I received the following reply:

February 22, 1850.

DEAR SIR: In answer to your inquiry, respecting the extent of the sea-coast of California, I answer that it is seven hundred and fifty miles from its southern to its northern boundary. Respectfully yours,

CHARLES WILKES.

Hon. SAML. R. THURSTON.

It is no part of my wish or design, Mr. Chairman, to conceal or to exaggerate facts. I am willing, and even desire, that the case should be presented against me in its strongest light. That California, with her present limits, contains a very large sea-coast, I am willing to admit—it would be folly to deny it; but that she contains any large amount of good harbors, or harbors that can be used to any great extent, save one or two, I as frankly deny. Now, sir, in meting out a sea-coast to a State, I take it we should not look so much to the extent of her coast, as to the availability or utility of her harbors. And when you urge an objection against the admission of a State, on the ground that her sea-coast is too large, your objection is not valid, unless you can show, also, that she monopolizes too many harbors. If, then, while admitting the magnitude of the sea-coast of California, I am able to show you that the number of her practical harbors are very small—or, in fact, that she has not but *one single harbor* susceptible of accommodating any considerable amount of shipping, or that can ever be the locality of any considerable town, and that the Bay of San Francisco—the objection to her admission, on this score, at once falls to the ground. To this point, therefore, let us direct our attention.

The harbors of California (for such I will call them) are, San Francisco, San Diĕgo, Bodĕga, Monterey, San Pedro, and Santa Barbara. Four of these harbors—San Francisco, Monterey, Santa Barbara, and San Diĕgo—I have seen myself, and I am frank to say, that before I ever supposed I should have occasion for these remarks, at view of them, I formed the opinion that I entertain now, that but two of them were entitled to the name of harbor, and but one of the two entitled to the appellation of a *great harbor*. This was my judgment then. I so minuted down the fact in my memorandum book, when I was present at them, and such is my judgment now. But I do not ask gentlemen to rest the decision on what I say—I give them other and better proof, and proof, too, which is entitled to the highest credit—I mean the evidence of Captain Charles Wilkes, of the United States navy, who, as it is well known, speaks from personal observations, and from his knowledge, gained on the spot, as a scientific navigator. His reputation is too well established to need any support of mine. In his work entitled "Western America," at page 37, he says:

"The best, and, indeed, the only, harbors in this territory [California] are San Diĕgo, San Francisco, and Bodĕga; there are, besides, several *roadsteads*, which have been used as anchorages during *the fine season*, (from March to October,) viz, the Bays of Monterey, San Pedro, and Santa Barbara. * * * * The port of San Diĕgo is the most southern in the territory of the United States, being in fact an arm of the sea, in length ten miles, and in width four miles—from being land-locked, it is perfectly secure from all winds. The entrance is narrow, and easily defended, and has sufficient depth of water—twenty feet at lowest tide. The tide rises five feet. The Tongue of Kelp, three miles long by a quarter of a mile broad, off the entrance of the bay, must be *avoided* by large vessels, but *small vessels* may pass, through it with a *strong breeze;* the bank has three fathoms water on it. During gales, this kelp is *torn up* and driven into the bay, where it becomes troublesome to vessels, by the pressure it brings upon them, either causing them to *drag their anchors, or part their cables.*

"There are many drawbacks to this harbor. The want of water is one of them; the river which furnishes the Mission with water disappearing in the dry season, before reaching the bay, and the surrounding country may be called a *barren waste of sand hills.* * * * This river, in the rainy season, discharges a considerable quantity of water into the bay, bringing with it much sand, which has already formed a bar across a part of False bay, rendering it *useless;* and *well-grounded fears* may be entertained that it will eventually *destroy* this harbor also. * * * The *whole country* around San Diego is composed of volcanic sand and mud, mixed with scoria. The land is *unfit for cultivation*, and covered with cacti, one of the many evidences of the poorness of the soil. This leaves the port of San Diego little to recommend it but the uniform climate, good anchorage, and security from all winds."

I will add, that any man who has seen this harbor, will tell you it is very limited in its capacity—not able to contain the shipping now in the Bay of San Francisco. This, Captain Wilkes, who has been in the harbor and examined it, will tell you; and it is a fact well known, that the sands washed down from the mountains are fast gaining on it, and will, at some future day, destroy it. But what if it was the best of harbors for safety and size? Of what use is a harbor on the Peninsula of California? None. And why? Because there is no country—no trade to support it. So it is with San Diego; it neither has any country to build it up, nor can it ever carry on any considerable trade with the mines. San Francisco commands, and ever will command, nearly all the farming country, and probably all the mines. San Diego is therefore what she will continue to be, *a harbor without a town*, or *business to support it*. And that, and the little good soil it commands, must be governed and owned by the State of California, or be sustained forever in a *dependent form*, at an enormous expense to the Government. I shall have occasion to touch on this point when I come to treat of the division of California on 36° 30′.

It thus being settled, Mr. Chairman, that the harbor of San Diego, taken all in all, is but a secondary harbor, and one which never can contain or accommodate a large amount of shipping, or be the locality of any considerable town, we will pass on to an examination of the others.

Of the Bay of San Juan, not before mentioned, forty-five miles north of San Diego, the Captain says, on page 38 of the same work: "It is '*entirely unprotected*, and is a bad *roadstead*, the 'bottom being very foul, inside of five fathoms, 'and the landing at times *impossible on account of*

'*the surf.*" Yes, sir, not even *a decent roadstead*, much less a *harbor*, and the landing frequently impossible; and yet this is the *first* and *only* place for forty-five miles north of San Diego, worthy of a passing notice.

We next come to San Pedro, thirty-seven miles from San Juan, or eighty-two miles from San Diego, of which the same author says: "It is an open 'bay, with scarcely any more claims to be called 'a harbor than San Juan; it is *equally exposed*, ex-'cept from the northwest winds." Of this place, and the Bay of San Juan, Captain Wilkes's statements are fully corroborated by the observations of every man who has examined them. "The 'cliffs (says the Captain) along this part of the 'coast are steep. Water is not to be obtained 'here, and the little that is required for the supply 'of a few inhabitants, has to be *brought* from a '*distance in the interior.*" Such, sir, are the harbors, so far, that are to operate to exclude California from coming into the Union!

We next come to Santa Barbara. This place is thirty-five miles east by south, from Point Conception, and that point is one hundred and ten miles from San Pedro; so that Santa Barbara is one hundred and fifty-seven miles from San Diego. Of this point, the same author speaks as follows:

"There is scarcely any protection, though somewhat sheltered from the northwest swell, by the Island of Santa Cruz; vessels, however, anchor here, notwithstanding the southeast winds blow during the winter months with great violence. At these times, it is necessary for vessels to put to sea, and this is usually done when indications of these storms are seen. There is anchorage within the line of Kelp, in five fathoms water, but is *only* resorted to, by navigators who are *very desirous* of discharging or getting on board their cargoes. * * * The anchorage is bad holding ground, being hard sand, covered with sea-weed."

This harbor, then, Mr. Chairman, is merely an open roadstead. *Nobody* anchors there, except "navigators who are *very desirous*" of accomplishing some object—not done from choice, but from *dire necessity;* and if perchance one casts anchor, and the indications of a storm appear, in order to *save his ship*, or the *lives* of himself and crew, he must *weigh anchor*, or *slip* his cable, and go to sea, whether his cargo is on board or not; and for this harbor, California is to be excluded from the Union, is she?

San Luis Obispo, is forty miles north of Point Conception, and consequently two hundred and thirty-two miles from San Diego. This place is standing near the sea-shore, with nothing to entitle it to the appellation of harbor. Indeed, it has so little pretensions to one, or to a decent roadstead, that its qualities, for better or for worse, were not noticed by Captain Wilkes. I recently had occasion to consult a gentleman who had spent nearly three years in California, as chaplain on board one of our vessels of war, (the Rev. Mr. Colton,) who denominated this place as "an open roadstead." Such is the testimony borne of it by the Representatives from that State.

From San Luis Obispo to Point Pinos, near Monterey, it is about one hundred miles. To Monterey, the distance is somewhat more; consequently, the distance from Monterey to San Diego, is not far from three hundred and thirty-five or three hundred and forty miles, between which points there is not a *single place* entitled to the name of harbor. Monterey itself has little more pretension to this honor; yet this is far from being a good harbor, and is usually called a roadstead. As you lay at anchor in this bay, you may look directly out on the ocean, with apparently nothing to protect you. I recollect well the appearance and nature of the harbor, and that the steamer Oregon grounded in that bay last October as we entered. Indeed, the harbor of Monterey is comparatively an open roadstead. You can neither have the advantage of a safe shelter from storms, nor of approaching near to shore with your vessel. Captain Wilkes himself calls it a "roadstead." "The roadstead of Monterey (says he) is at the 'south end of the bay, and is considered a safe 'anchorage, though but *partially protected* from the 'westerly winds, by Point Pinos." And to show further, that this is not only not a good harbor, but a dangerous one, allow me to quote from the same author: "In November there are frequent 'short gales from the southeast, which blow from 'off the high land, rushing down in violent squalls. 'The *most dangerous* gales are from the north and 'west, on *which side* the bay is *completely open.*" Thus, then, Mr. Chairman, it appears that facts put the harbor of Monterey in nearly the same category with those of San Luis Obispo, San Juan, and Santa Barbara. From Point Pinos (by way of Point Anno Nuava) to the entrance into the Bay of San Francisco, a distance of sixty-three miles, there is no harbor, or anything looking towards one, after you pass the Bay of Monterey. Thus it appears, that between the entrance of the Bay of San Francisco and San Diego, a distance of three hundred and ninety-five or four hundred miles, there is not a single good harbor, and scarcely a passable roadstead; and north of the entrance of the Bay of San Francisco, to latitude 42° north, there is but one harbor, and that is of no account. The Harbor of Bodega is ninety miles north of San Francisco, and the only harbor north of San Francisco, in California; but in the language of Captain Wilkes, "it is both small and inconvenient, 'and cannot be entered, except for vessels of a light 'draught of water. The anchorage outside is 'rocky and dangerous."

Here, sir, is the simple narrative of the harbors of California, save one, and that the Bay of San Francisco. Of the advantages and magnitude of this bay, and of its different points, calculated for harbors, I shall not speak. Suffice it to say, it has but few equals in the world, and among these will rank foremost the harbors near Puget's Sound in Oregon. It is a startling truth, that God and nature designed the Bay of San Francisco as the great and principal naval emporium for California; and the better to accomplish this end, *all* the other harbors in California appear to have been misshapen, distorted, and made laughing-stocks, when compared with this magnificent bay. Hence, you may build a thousand railroads to San Diego, and toil till you are exhausted to make something of that harbor, so long as the entrance to the Bay of San Francisco remains open, and the bay itself remains, so long commerce will shun, nay, *spurn*, all other ports in California, and congregate to the harbor of this future Tyre. Now, Mr. Chairman, I submit, that if in meting out the sea-board boundary of a State, we are to be governed by the number of good harbors, rather than by the naked extent of coast, then have I successfully shown, that this objection to the admission of California falls to the ground, and shares the same fate as that alleged to her Constitution.

But the objector, being driven from this position, flees to another, and that is, that the superficial area of California is too large. That the area is large for a State, is not denied; but that it is larger than it ought to be, under the circumstances, I emphatically deny. The objector says it is; I say it is not; and here we come to the issue. Inasmuch as he affirms, the proof lays on him, and the reading of the Constitution, and a calculation of the area, may make out a *primâ facie* case on his part. This throws the burden of proof on me, and if I can support my plea, he must abandon his objection to the admission of California on this ground.

Now, Mr. Chairman, in laying off a State, one thing should always be regarded, that you include within it, if you can, all the means of self-subsistence—all the resources necessary to make it a powerful State; and among the most important of these resources is its agricultural capability. In other words, the State should have, if possible, soil enough, susceptible of cultivation, to produce the indispensable articles of food for the sustenance of its people. I might here quote from writers on political economy to prove this, but the proposition is so plain as to meet the approbation of all well-balanced judgments. Hence, in laying off a State, we should not be governed by the superficial area contained within its boundaries, so much as by the quantity of good soil—not by its area, but by its productive land; and proceeding upon this principle, the objection against California, on account of her superficial extent, vanishes. It has no good reason to give it life—it is airy nothing.

There is undoubtedly, sir, a very great misconception in this House, in the minds of individual members, and, I might add, in the minds of the people of the States generally, about the extent of cultivable land in the State of California. Though in area, larger than any State in the Union, save Texas, yet in fact, in point of arable land, she is smaller than any of them, save Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, and Maryland. Yes, sir, in point of arable land, she is not one third as large as the State of Ohio; about one fourth as large as Pennsylvania, and not one fifth as large as the State of Virginia, reckoning the entire superficial area of these latter States. To a man who will cast his eye impartially over the map, examine its mountains, its deserts, and waste places, this statement will not appear extravagant; and still less will it do so, when one has had an ocular survey of the country. To say nothing of its deserts—its plains of floating sand, where nothing but the half-starved wolf is seen—the map itself shows a very large proportion of it to be the locations of the most fearful mountains, upon or among which the cultivator of the soil may look in vain for a resting-place. But I do not ask gentlemen to rely upon my statement alone—I give them the declarations of others.

Captain Wilkes, in the same work to which I have referred, speaking of the arable land which California contains, west of the mountains, says: "It is impossible as yet to give an *accurate* calcu-'lation of the quantity, but an approximation 'may be arrived at. I have endeavored to do 'this, and think that it *cannot exceed twelve thou-'sand* square miles." I had myself, from what I had seen, and from what I had heard from people in Oregon, who have traveled over nearly the whole country, formed the opinion that the State of California had not more land, susceptible of cultivation, than the State of Massachusetts. To strengthen my opinion, or to rectify it if wrong, I addressed a note to the Rev. Walter Colton, who had resided in California nearly three years, and had traveled over much of the country, asking him his opinion of the agricultural resources of the country, when compared to Massachusetts. To that note I received the following reply:

WASHINGTON, *February* 14, 1850.

DEAR SIR: I am in the receipt of your letter, of this day's date, proposing certain inquiries in reference to California, and my residence there.

I have lived in California nearly three years. The lands, capable of cultivation, lie mainly between the Sacramento and San Joaquin rivers and the sea-board. The valley of the San Joaquin, and the greater portion of the mining district, is covered by a light, sandy soil, that can never be made productive. The strip of land on the sea-board is broken by a continuous range of hills, which run nearly parallel with the coast, for several hundred miles. The physical features of California, and the entire absence of rain for more than six months of the year, will prevent its becoming an important agricultural country. Unless a system of extensive irrigation should be resorted to, I doubt if its agricultural yield will be greater than that of the State of Massachusetts.

The wealth of California lies in her mines.

Very respectfully, dear sir, your obedient servant,

WALTER COLTON.

Hon. S. R. THURSTON.

But even if it does not contain more arable land than the average of our new States, the objection cannot prevail. Now, I will say that the man cannot be found, who ever saw California, and knows anything of the country, who would say that California contains more arable land than the State of Iowa. No writers, even its most ardent admirers, who have ever written on the subject, have ever come up to this quantity; and had I the time, I could procure the testimony of a hundred men, who have traveled extensively in California, all of whom would place the extent of arable land within the bounds set by Captain Wilkes. Captain Wilkes informs you he had "endeavored" to ascertain the amount. He is a scientific man, had the best maps before him, on which the mountains, valleys, and plains are delineated, and the extent of which he measured with comparative accuracy; he had the journals of the best travelers before him, which he consulted, with a view to write a book, on which his reputation—by no means insignificant—was staked; and to this was added his own knowledge, gained by traveling in the country; and with all these means of information, and this responsibility before him, he tells you that the extent of the arable land west of the mountains, in his judgment, "cannot exceed twelve thousand square miles." Mr. Colton, whose judgment is entitled to respect, tells you that her productive agricultural resources do not exceed those of Massachusetts; and he speaks of the whole of California, as defined by her constitution. And I hazard little in saying, that a majority of travelers in California would come nearer to Mr. Colton's judgment, than to the estimate of Captain Wilkes. It cannot fail to be seen that Captain Wilkes speaks with much caution, and made his estimation purposely large, in order to be within bounds. But, inasmuch as Captain Wilkes estimates only the land west of the mountain range, I will produce more authority to show what the country is, lying in that part of Califor-

nia contained between the Colorado and these mountains. It is due to truth to say, that this part of the State is a barren waste, where desert and desolate sand-hills hold converse in the gloom of their own presence, and where the only song is the rustling of the passing winds, intermingled with the croaking of the famished raven, and the wailing howl of the hungry and starving wolf.

In November and December of 1846, Lieutenant-Colonel W. H. Emory, of the United States army, passed through this region, from the junction of the Gila, through the pass in the mountains, to San Diego. I quote from his journal applying to the country east of the mountains: "After cross-'ing, [the Colorado] (says he,) we ascended the 'river three quarters of a mile, where we encoun-'tered an *immense sand-drift*, and from that point, 'until we halted, the great highway between So-'nora and California lies along the foot of this 'drift, which is continually, but slowly, encroach-'ing down the valley." Their grazing ground was a field of floating sand, save on the shore of the Colorado; and when they did halt, they had to dig to obtain water for their men. This was the 25th of November. In his journal of the next day, he says: "The dawn of day found every man 'on horseback, and a bunch of grass, from the 'Colorado, tied behind him, on the cantle of his 'saddle. * * * We were now fairly on *the* 'desert." Yes, sir, a desert—so destitute, that the horseman must take his grass on his saddle! That night they had to camp without water, save a little impregnated water they got, after much time spent in digging. "The desert (says he) was almost 'destitute of vegetation; and on the 27th and 28th 'we had toiled on, over this desert, and were 'yet in its midst." He goes on to say, in his journal of those days: "Our course was a winding 'one, *to avoid* the sand-drifts." "The desert was 'almost destitute of vegetation." "The heavy 'sand proved too much for many horses, and some 'mules; and all the efforts of their drivers could 'bring them no further than the *middle of this* 'dreary desert. About eight o'clock, as we ap-'proached the lake, the stench of dead animals, 'confirmed the report of the Mexicans, and put 'to flight all hopes of our being able to use the 'water." "The desert over which we had passed, '(for they had then arrived at water,) *ninety miles* '*from water to water*, is an *immense* triangular 'plain." "It is chiefly covered with *floating sand.*" And again: "I have noted the *only* two *patches* of grass found during the 'jornada.'" His journal, of the 29th of November, says, (having left the water, which was impregnated and almost unfit for use,) "The day was intensely hot, and the 'sand deep. The animals, inflated with *water* and 'rushes, *gave way by scores.* It was a *feast day* for 'the *wolves*, which followed in packs, close on our 'track, seizing our deserted brutes, and making 'the air resound with their howls, as they battled 'for the carcasses."

Mr. Chairman, I will quote no further. My object in quoting what I have, is to show that, what appears to be a large tract of country, contained within the boundary of California, and lying between the Colorado and the mountains, is, in fact, of no value whatever, and consequently cannot affect the estimate of the arable land made by Captain Wilkes. With these proofs, then, I apprehend I have successfully maintained my position, and that if no better objections can be raised, than the extent of her area, California is entitled to be admitted.

But, Mr. Chairman, granting, for the sake of argument, that California is all good land, then the objection raised, under the circumstances, should not prevail. Whether California ultimately makes two States, or remains in one, it is all the same to the Union, so far as wealth is concerned. The whole country will be inside the pale of the Republic, and to the Union the result is the same either way, with the difference of expense hereafter named. If she ultimately becomes too overgrown, the Constitution of the United States points out a way by which she may be divided into two States; and if she does not, she will remain a State as she is. Now, the number of square miles in each State of the Union is as follows:

Extent of States in square miles.

Maine	35,000	Delaware	2,120
Vermont	8,000	Maryland	11,000
New Hampshire	8,039	Virginia	61,352
Massachusetts	7,250	North Carolina	45,500
Rhode Island	1,200	South Carolina	28,000
Connecticut	4,750	Georgia	58,000
New York	46,000	Kentucky	37,680
New Jersey	6,851	Tennessee	44,000
Pennsylvania	47,000	Louisiana	46,431
Ohio	39,964	Mississippi	47,147
Indiana	33,809	Alabama	50,722
Illinois	55,405	Missouri	67,380
Michigan	56,243	Arkansas	52,198
Iowa	50,914	Florida	59,268
Wisconsin	53,924		
		Total slave States	610,798
Total free States	454,340	Texas	325,520
California	145,000		
			936,318
	599,340	District of Columbia	50
			936,368
		Free States	599,340
			337,028

By this exhibit it appears, that though California might be divided into two States hereafter, neither would be so large, when in comparison with some of the largest, as to create any uneasiness, providing she was all good land; but when we consider the facts of the case, as I have given them, relative to her arable land, this uneasiness disappears. Beside this, there is a precedent in point for her admission as she is. Texas, it will be seen, contains upward of three hundred and twenty-five thousand square miles, while California contains but about one hundred and forty-five thousand. Texas, if divided, as she may be, will make four States, each of which will contain over eighty-one thousand square miles, or into five States, each containing upward of sixty-five thousand, while California, if divided as she may be, will make two States, each containing about seventy-two thousand square miles. And then if you consider the organized States, in reference to free and slave territory, the friends of the latter cannot object on this score. While the free States will contain in all, after California is admitted, but about six hundred thousand square miles, the slave States will contain rising nine hundred and thirty-six thousand square miles, or rising three hundred and thirty-seven thousand square miles more than the free States. This ought to satisfy. Therefore, Mr. Chairman, I again submit, whether I have not removed the objection on this point also.

The next objection which I shall consider, and which is raised, and put forth in the controversy

with much tenacity, is, that California has not been regularly organized into a State—in other words, that she has formed a State constitution, without previous permission being given by Congress. This objection labors under a disadvantage, in this, that it strikes the generosity of the country unfavorably; for if the State is in all other respects entitled to come in, or if she should be admitted, had this assent been given, the man of generous feelings will tell you, that if it is law to keep her out, it is not kind. But in examining this point, it should always be remembered, that there is no clause or feature in the Constitution, requiring the *previous* assent of Congress to be given—in other words, it *nowhere* appears that it would be unconstitutional to admit a State, organized out of our territory without the previous consent of Congress. It may be said, that such is the precedent of the Government, and therefore should be followed. I reply, that the converse has also been the precedent of the Government, as I will show directly. The clause of the Constitution, on the subject of admitting new States, is in these words:

"New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of Congress."

One cannot fail to perceive, that there are two distinct parts to this clause—the one ending with the word "Union," and the other the balance of the clause. The first part evidently contemplates the formation and admission of new States, not formed from any other State or parts of States, or within the jurisdiction of any other State in the Union, at the time of the formation of such new States. It evidently contemplates, then, the admission of new States, formed from territory, or from lands not previously included, in whole or in part, in any other State. The preliminaries, both of formation and admission, appear to have been left wholly unprovided for. The second part as plainly contemplates, that a new State may be formed within the jurisdiction of another, being a member of the Union at the time, or by the junction of two or more States, or parts of States. But out of duty, contemplated to be owed by the General Government to the State or States in or out of which the new State might be formed, the Constitution very wisely provided, that this should not be done without the consent of the State or States interested. So much is provided for the protection of the States; and then, lest this might be attempted to be done, by the consent of the States concerned, to the detriment of the General Government herself, the Constitution took care to declare, that it should not be done without the consent of the General Government also. Hence, while the Constitution clearly makes it unlawful to form a new State within the jurisdiction of another State, or by a junction of two or more States or parts of States, without the consent of the State or States concerned; and if such consent should be given, then, without the consent of Congress in addition, it *nowhere* makes it unlawful to form a new State out of territories, for the purpose of admission, without the previous consent of Congress. To form a new State within the jurisdiction of another State, or by the junction of two or more States, or parts of States, is made unlawful expressly by the Constitution; but to form a new State out of a territory, for the purpose of admission, is not made unlawful, either expressly, or by implication. Now, then, the language of the law is, *expressio unius, est exclusio alterius*, which, translated liberally, may come to read, to declare that one of two things mentioned or had in view, shall be unlawful to be done, is an expression negative, that the other may be done lawfully; and when I speak of the people of a territory forming a State for admission, I mean to be understood that they are there in such territories, by the consent of the General Government. Now, here is a right to object to the formation of a new State within the jurisdiction of another, or created by the junction of two or more States or parts of States, given to the General Government by the Constitution; but the right to object to the formation of a State out of a territory, for the purpose of admission, *is not* given to this Government by the Constitution. The Constitution says:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Now, the unconditional power to form new States in the jurisdiction of another, or by the junction of two or more States, or parts of States, is prohibited by the Constitution to any State or States, while the power to object, in such a case, is delegated to the United States. But the power to object against the people of a territory forming a State government, for the purpose of admission, is not delegated to the United States, nor is the power delegated to the United States to form a State there. Where, then, is this power? "Reserved to the people" of the territories, unquestionably. Hence, I think it is clear, beyond cavil, that the people of a territory *alone* have the constitutional right to form a State government, for the purpose of admission into the Union, without the previous consent of Congress being given—for if Congress has a right to claim that its previous consent should be given, this right must result from a delegated power; and the fact that that part of the Constitution just read, which gives to Congress kindred powers, and the right to object in kindred cases, makes no mention of such a power, even by implication, is conclusive proof to my mind that no such power was intended to be given, and consequently, that the right to determine upon forming a constitution, was intended to be left to the people of the territories themselves. And in support of this position, I will extract from a report made in the Senate of the United States, some time during the last session, by one of the ablest men of that body, [Mr. BERRIEN.] This report was made by that gentleman, from the committee to whom was referred the subject of creating and admitting California into the Union, as a State. Here is the extract:

"The power conferred by the Constitution on Congress is, to *admit* new *States*, not to *create* them. According to the theory of our Government, the creation of a State is an act of popular sovereignty, not of ordinary legislation. It is by the will of the people, of whom the State is composed, assembled in convention, that it is created. *Congress may provide for the* assembling of a convention, but it is the will of the people, expressed in that convention, which alone creates a State; and until that is done, the power conferred by the Constitution on Congress, 'to *admit* new *States*' into the Union is not called into exercise. There is nothing upon which it can operate. In the opinion of the committee, then, this bill ought not to pass, because it proposes the exercise by Congress of a power not vested by the Constitution in the national legislature, namely, *the creation of a new State*."

These words explain themselves. It is worth while, however, to notice with what caution he lays it down in italics, that "Congress *may* provide for the assembling of a convention" to form a State constitution. *May*, sir—yes, *may*—not *must*. There is nothing *imperative* on Congress to do so, not enjoined by the Constitution, but it is left unprovided for. Now, sir, what is plainer than the position, that if Congress is not *obliged* by the Constitution to make such provisions for the assembling of conventions, and if the Constitution does not *prohibit* the people of the territories from assembling for that purpose, the people violate *no principle* of constitutional law by assembling for this object? If this proposition be not true, then, inasmuch as Congress is not *obliged* to make provision for conventions to form State constitutions, the people are left wholly without any constitutional means of erecting a State, and applying for admission. No doctrine, sir, is more shocking to popular rights than this; and it would be discredit to a constitution to leave such a right unprovided for. The right of the people to assemble in convention, and to form a State constitution, preparatory to application for admission, being thus vindicated by argument, let us turn to the precedents.

The first case in point is that of Vermont. This State was formed from a part of the territory of New York, by the consent of the latter State, subsequently obtained, and without the previous consent of Congress. And although the Constitution clearly requires the consent of Congress, in such cases, yet it has been argued, and with much plausibility, and in conformity to law as applied in other cases, that this consent of Congress may be subsequent or anterior to the formation of a new State, within the jurisdiction of another, or by the junction of two or more States, or parts of States, on the ground that subsequent assent to a previous act makes the unauthorized act a lawful one, and binding. But certain it is, that if Congress can constitutionally admit a State, formed within the jurisdiction of another, without the consent of Congress having been previously given, it can admit a State formed from a territory without such consent. Application for the admission of this State was made to Congress, then sitting at Philadelphia, February 9, 1791, her constitution having been formed December 25, 1777; yet the Legislature of New York did not give its consent till March 6, 1790, three years after Vermont formed her constitution. Vermont was admitted March 4, 1791, (see Book of the Constitution, page 404;) and if this act of Congress means anything, it means that in the judgment of Congress, its own previous consent to the formation of constitutions is not a necessary prerequisite, in any case, for the constitutional admission of new States into the Union.

The State of Tennessee is another case in point. This State was formed out of territory ceded to the United States by the Legislature of North Carolina, in 1789, and the cession completed by conveyance, made by the Senators of that State, February 25, 1790, and accepted by act of Congress of the 2d of April following. On February 7, 1796, the people of that territory, having assembled for that purpose, without the previous consent of Congress having been given, adopted a State constitution, and applied for admission in April following, and the State was formally admitted, January 1, 1796, on that application, (see Book of the Constitution, page 405.)

The State of Maine was formed from a part of the commonwealth of Massachusetts; and her constitution was formed by a convention of the people, without the previous assent of Congress. The petition of this convention for admission, was presented in the House of Representatives of the United States, December 8, 1819; and the act for the admission of Maine, on this petition, was approved March 3, 1820. Here is the preamble to the act of admission, by which it will be seen, that the consent of Massachusetts *alone* had been given to the separation, and the subsequent convention of the people of the district of Maine; and the facts in the case, too, sustain the preamble:

"Whereas, by an act of the State of Massachusetts, passed on the 19th day of June, in the year 1819, entitled 'an act 'relating to the separation of the district of Maine from 'Massachusetts proper, and forming the same into a separate 'and independent State,' the people of that part of Massachusetts, heretofore known as the district of Maine, did, with the consent of the Legislature of the said State of Massachusetts, form themselves into an independent State, and did establish a constitution for the government of the same, agreeably to the provisions of the said act; therefore," &c.

Now, sir, I shall not detail cases further, but will cite you to Michigan, Florida, Iowa, and Texas, as furnishing examples where Congress has admitted new States into this Union, with constitutions formed, without the previous consent of that body having been given; and it is a well-known fact, that Iowa formed her constitution without the previous consent of Congress, and that she did it expressly on the ground, that Congress had no right to claim that this assent should be first given; and it does really appear to me, that the case is too plain for doubt—that whether you examine the Constitution alone, with reference to this point, or examine it in connection with the precedents heretofore made by the Government—California has a clear and indisputable right to come into the Union as a State.

But we are told, Mr. Chairman, that the formation of this State government of California, is not the spontaneous result of the people's own free will. It is said that General Taylor and his Cabinet, by a combination of means and influences, brought it about; that it is a forced act, and that a State government has been crammed down the throats of the people there, to avoid certain responsibilities. Whatever General Taylor or his Cabinet may have intended, I cannot say, but what some of the facts are, I do know, and dare say them. And I do say—first, that if General Taylor and his Cabinet had tried to dictate terms to the people there, they could not have succeeded; secondly, that they did not try; and thirdly, that the project of forming a State government was the project of the people; and it would have been done had General Riley never issued a proclamation for the purpose. General Riley's proclamation was forced by the complaints and demands of the suffering people of California, instead of his proclamation compelling the people to move. Instead of it being as contended by the opponents to the admission, the facts are reversed.

The treaty of Gaudalupe Hidalgo, restorin peace between the United States and Mexico, was concluded on the 2d day of February, 1848; and after being ratified by both Governments, was exchanged at Queretaro, on the 30th day of May

following. This left California with a government *de facto*, which, under the circumstances, was little better than no government. In the month of April of the same year, the gold mines were discovered, bursting forth with an explosion destined to shake the world, the light of whose fire shot its brilliant rays athwart the globe, with almost the velocity of lightning, lighting up the pathway of myriads flocking to the scene. It was nothing more than what the people of California had a right to expect, that the Government of the United States would form some kind of civil government for them that very session of Congress, which did not adjourn till the 14th day of August following; and like orderly people, they waited patiently the result. If you consult the facts in the case, you will find, that, not until some time in December, 1848, after they had heard Congress had adjourned without giving them a government, did they move in the matter. Some time in December, 1848, (I have not the precise days,) some of the people of California met at San José, and recommended that a convention should be held at that place in March following, for the purpose of forming a State government, preparatory to being admitted into the Union. Some time the last of the same month, or the first of January, San Francisco responded to this call, by holding a preliminary convention, at which a corresponding committee was raised for the purpose of communicating with other parts of the territory on the subject. Monterey, Sacramento, and Sonoma, responded in their turn, by similar meetings. At these preliminary conventions, there were delagates chosen to meet at San José, in conformity to the recommendation of the meeting at that place. But the corresponding committee, chosen at San Francisco, supposing there would not be time for the districts of San Luis Obispo, Santa Barbara, San Diego, and Los Angeles, to send delegates to the San José convention, to come off in March, recommended the following May—that is, May, 1849—as the most suitable time for the convention to assemble. This brought about a misunderstanding, and the whole matter fell through in consequence.

A portion of the delegates chosen—when and where, I have before said—nevertheless, met at San Francisco early in March, 1849, and published an address to the people of California, recommending them to choose delegates in their respective districts, to meet in August following, (1849,) to form a State constitution. But from this time on, the people began to meet with many difficulties, growing out of the inefficiency of their government, particularly with the town council of San Francisco. These difficulties finally grew into an open rupture. By this time, the people had become so numerous, and property so abundant, that there was an absolute necessity for something more practical—more efficient—in the form of government. The people took the matter into their own hands—not by force and disorder, but in true civic style. They assembled at San Francisco, and chose a legislative assembly of fifteen members for the district of San Francisco; Sacramento and Sonoma followed the example of their more powerful neighbor. The assembly for San Francisco proceeded to enact laws for the district; Sacramento and Sonoma did the same. The assembly at San Francisco *abolished by law* the office of alcalde, that refuse of Mexicanism, and chose in his stead three justices of the peace for the district. But let it be recollected that General Riley was governor, and he had been instructed to support the laws of the *de facto* government. It would be very natural, therefore, for the governor to interpose in behalf of these half barbaric laws, which the skillful hand of American civilization was proceeding to demolish. He did so—issued his proclamation denouncing the movement of the people, and vindicated the majesty of the law. This demonstration on the part of General Riley, was about the 1st of June, and on the 3d of June, he issued his proclamation for a State convention. This latter act of General Riley, although the people did not recognize his power to do it, was merely in conformity with the feelings of the people; and there is no doubt, that it was one cause, if not the sole, why it was issued. To show this, it is only necessary to state, that on the same 3d of June, after General Riley had interfered with the district legislation of the people, and before they knew he was going to issue his proclamation for a convention, the legislative assembly of San Francisco issued a sort of counter proclamation to General Riley's *pronunciamiento*, in which he had denied the legality of the legislative acts of the assembly. In this proclamation of the legislative assembly of San Francisco, they recommended a State convention to be held at San José, to form a constitution. And the reason why the legislative council recommended this convention was, that news had reached there, that Congress had again adjourned without forming for the people of California a territorial government. In this proclamation, they deny the right of General Riley to interfere with their matters. This *quasi* military government set heavily on the necks of freemen. Now, mind you, the people, through this council, had called the convention at San José, while General Riley had called it at Monterey. Let it be remembered, too, that all this had been done before the alleged agent of the Administration had stepped foot on the soil of California. The people there had been praying for deliverance, as earnestly as ever did the Israelites to be delivered from the oppressions of Pharoah. Time, and time again, had their groans been heard up to Oregon, muttering over our hills, and down our vales, and coming down to the hearth-stones of us all. And we, too, prayed sincerely for their deliverance.

On the 4th day of June, the Hon. T. Butler King—this so-called genius of the Administration—this man who, some would make us believe, is able to *devour* human rights and the liberties of the people, as easily and greedily as a tiger his prey—arrived at San Francisco, setting his foot for the first time on California soil. In company with him was the Hon. W. M. Gwin, Senator elect from that State. These were two distinguished men, just from the States, and one just from the halls of Congress; and there is nothing remarkable in the fact, that the people should want to hear from the States, and why no government had been provided for them. Consequently, soon afterward, a written call was circulated for a mass meeting, to come off in the public square. The meeting did come off. Mr. King, Mr. Gwin, Mr. Burnett, and others, addressed the people; and to show you that the people were not led by General Riley, or by any one else, allow me to say, that a gentleman came forward and proposed to the meeting to

adopt General Riley's proclamation as the basis for a State convention, which question being put to vote, was voted down almost unanimously. Another gentleman came forward to prove by argument, that General Riley was right in denouncing the legislative council of the district of San Francisco. The people were so indignant, to think that General Riley should have taken the course he had, that they refused to hear his apologist, and hissed him off the stand. The meeting, however, voted to hold a convention to form a constitution, and to secure its accomplishment, raised a corresponding committee of five members to attend to getting it up. After taking the subject into consideration, the committee thought it proper, inasmuch as General Riley had called a convention, and to produce union and preserve good order mean time, to issue a circular, recommending a State convention, and adopting the plan of General Riley as to time and place, and representation, *in part*. They at the same time recommended a *different* representation from some of the districts, from what General Riley had, and *their* recommendation was followed. In this way, sir, that convention got together, assembling on the 1st day of September. A quorum not meeting, the committee adjourned over till the third, when a quorum assembled and proceeded to organize, and then to business. This is the simple narrative of the facts; and who can look at it, sir, and see those sons of American freedom, under circumstances more exciting and more embarrassing than rarely fall to the lot of man, struggling alike against oppression, and for the blessings of civil government, without feeling proud to own them as Americans—as being fresh evidence, previously so forcibly illustrated by the pioneers of Oregon, that men rightly educated are capable of self-government; and that the American, wherever he goes, carries the fundamental principles of his government enshrined in his bosom. And for this noble example, for this tribute to his country's glory, and this fidelity to her institutions and laws—ay, sir, for this almost idolatrous worship of our glorious country—will you spurn him from your side? Will you cast him from you, and drive him away, when he comes back to you, toil-worn, weary, with another dazzling gem in his hand, which he prays to be permitted to place in the diadem of the nation? Oh, sir, where is your heart, and that generous warm blood of yours, if you do not step forward, and welcome him, and take him by the hand, and lead him to your country's altar, and allow him, as he kisses the book, to swear, for himself and his posterity, allegiance and everlasting fidelity to the Union?

Now, Mr. Chairman, after this narration of the facts as they exist in the history of the movements of the people of that country, I apprehend there will be few, very few, individuals who will have the hardihood to pretend, that the formation of a State government by the people of California, was not in consonance with their feelings, that it was not the *spontaneous* result of *their own* desires, or that such a government would not have been formed, if General Riley had never issued his proclamation, or Mr. King never seen California. I know a great deal has been said, sir, about Mr. King's instructions, and what he may have probably done. A great many men see wonders in the caution with which those instructions are written; and because Mr. Clayton tells Mr. King that the government formed by the people there, must originate with themselves, and be the result of their own choice, they suppose, and so argue, that he meant the converse, and that Mr. King so understood it. Well, sir, imagination is a fine thing, and yet, sometimes, it is not so fine. And if some gentlemen will read a work or two on disordered mental action, they will find it is sometimes very easy, when the mind is *peculiarly inclined*, to see hobgoblins and ghosts where there are none, and out of the radiant angel, Truth, to make a Fiend clad in fiery garments. Because Mr. Clayton tells Mr. King that he, Mr. King, is well acquainted with the views of the President, "and can, with propriety, suggest to the people of California the adoption of measures best calculated to give them effect," they argue that it was undoubtedly true, that in a private interview between Mr. King and the President, the President told Mr. King *verbally* just what he wanted done, and how he was to manage, and then got his Secretary to write his instructions so as to meet the case. If this be true, it certainly manifests a little more shrewdness than some are willing to allow to the President. But if there is any fraud here, we must take the best evidence we can get to prove or disprove it, and trust the fate of the case upon it. By a resolution which passed the House December 31, 1849, the President is taken into the inquisitorial court, in this wise:

"Whether, since the last session of Congress, any person has been by him appointed either a civil or military governor of California and New Mexico; if any military or civil governor has been appointed, their names and their compensation; if a military and civil governor has been united in one person, whether any additional compensation has been given for said duties, and the same.

"Also, that he be requested to communicate to this House whether any agent, or agents, or other persons, have been appointed by the President, or any of the departments of the government, and sent to California or New Mexico, or recognized in said territories by this government, or authorized to organize the people of California or New Mexico into a government, or to aid or advise them in such organization; or whether such agent, civil or military governor, was instructed or directed to aid, preside over, or be present at, the assembly of a body of persons, called a convention in California, to control, aid, advise, direct, or participate in any manner in the deliberations of that body of persons; if any, the names of such agent, or agents, and their compensation.

"Also, that the President be requested to inform this House whether the Executive, or either of the departments, have sent any agent, or agents on the part of this Government, to California or New Mexico, to aid or advise the people of those territories as to the formation of a government for themselves; and if such agent or agents have been sent, who they are, and their compensation.

"Also, that the President be respectfully requested to communicate to this House all the instructions given to such governor, civil or military, in California or New Mexico, or to any officers of the army of the United States, or any other persons who may have been sent by this Government to New Mexico or California, and the proclamations and communications by them made to the people of said territories, as well as the entire correspondence of such agents or governor with this Government.

"And also, whether any person or persons have been authorized by this Government, or any of its departments, to appoint and direct the elections in said territories, and determine the qualifications of the voters at the same; and whether any laws have been created by any supposed government in California; and if so, what laws?

"And that the President be requested to communicate to this House, all correspondence held by this Government with any persons in California and New Mexico, relative to the formation of a government for the said territories, by the inhabitants thereof; and whether any census of citizens of said territories has been made; and that the same, if made, be communicated to this House; also, all similar instructions that were given to similar officers or agents by the late Executive, and all similar information of which

the Department of State had possession, and similar matters, at the expiration of the term of office of the late President."

To which, under date of January 21, 1850, the President responds as follows:

"On coming into office, I found the military commandant of the department of California, exercising the functions of civil governor in that territory, and left, as I was, to act under the treaty of Guadalupe Hidalgo, without the aid of any legislative provision establishing a government in that territory, I thought it best not to disturb that arrangement, made under my predecessor, until Congress should take some action on that subject. I therefore did not interfere with the powers of the military commandant, who continued to exercise the functions of civil governor as before, but I made no such appointment, conferred no such authority, and have allowed no increased compensation to the commandant for his services.

"With a view to the faithful execution of the treaty, so far as lay in the power of the Executive, and to enable Congress to act at the present session, with as full knowledge and as little difficulty as possible, on all matters of interest in those territories, I sent the Hon. Thomas Butler King as bearer of dispatches to California, and certain officers to California and New Mexico, whose duties are particularly defined in the accompanying letters of instruction, addressed to them severally by the proper departments.

"I did not hesitate to express to the people of those territories my desire that each territory should, if prepared to comply with the requisitions of the Constitution of the United States, form a plan of a State constitution, and submit the same to Congress, with a prayer for admission into the Union as a State; but I did not anticipate, suggest, or authorize the establishment of any such government without the assent of Congress, nor did I authorize any Government agent or officer to interfere with, or exercise any influence or control over, the election of delegates, or over any convention, in making or modifying their domestic institutions, or any of the provisions of their proposed constitution. On the contrary, the instructions given by my orders were, that all measures of domestic policy adopted by the people of California must originate solely with themselves; that while the Executive of the United States was desirous to protect them in the formation of any government, republican in its character, to be at the proper time submitted to Congress, yet it was to be distinctly understood, that the plan of such a government must at the same time be the result of their own deliberate choice, and originate with themselves, without the interference of the Executive."

To make myself still better satisfied in the matter, (for I must confess, I was anxious that this charge should turn out to be false, lest its truth might injure the success of California,) I addressed to Mr. King the following letter:

WASHINGTON, *February* 14, 1850.

SIR: Will you do me the favor to answer me the following questions, specifically:

1. When did you leave the States for California, and when did you reach San Francisco, and when and where for the first time in California did you see General Riley.

2. Did the President of the United States, or any member of his Cabinet, at any time, give you any verbal instructions what to say to General Riley, or the people of California, or advise you what to say to them either publicly or privately.

3. Did the President, or any member of his Cabinet, either officially or otherwise, request or advise you to influence the people of California to exclude slavery from their State, or to establish the boundaries of the State as they now are, or in any other way.

4. Did the President, or any member of his Cabinet, ever express their views to you, as to whether it would or would not be policy for the people of California to exclude slavery from the State?

I am aware, sir, I have no right to put the above questions to you, and you are under no obligation to answer them; but the interests of the people of California are at stake, and consequently, the interests of Oregon. Therefore, I am anxious to be informed, and I hope you will answer them.

Yours, truly, &c., SAMUEL R. THURSTON.

Hon. T. BUTLER KING.

To this letter, I received the following reply:

WASHINGTON, *February* 15, 1850.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, and answer with pleasure the questions contained in it, in their order.

1st. I left the port of Savannah on the 22d day of April last, and arrived at San Francisco on the morning of the 4th of June. I saw General Riley in California, for the first time, about the 15th of June. I do not recollect precisely the day, nor had I any communication with him, verbal or written, until that time.

2d. The President of the United States *did not, at any time*, nor did any member of his Cabinet, give me any verbal instructions what to say to General Riley, or to the people of California, or what to say to them, publicly or privately.

3d. The President of the United States did not, nor did any member of his Cabinet, officially or otherwise, request or advise me to influence the people of California to exclude slavery from their State, or to establish the boundaries thereof, as they now are, or in any other way.

4th. The President of the United States never did, at any time, nor did any member of his Cabinet, express their views to me, as to whether it would or would not be policy for the people of California to exclude slavery from their State.

I am, with very great respect, your obedient servant,

T. BUTLER KING.

Hon. SAMUEL R. THURSTON, &c., &c.

Having got this reply, and having heard some opponent to the admission of California suggest the idea of putting Mr. King on to the stand, to testify in open court, or to answer questions, I asked him if he was willing to be thus catechised, to which he replied in the affirmative. So there is an open field, and gentlemen can be gratified, if the House desire it. I, for one, desire no secrecy—no conniving; I am anxious for a fair and full discussion, for I have not, nor have I ever had, a doubt that the claims of California to be admitted, will override every objection that can be made against it. Like the diamond, the more you rub it, the brighter it will shine.

Now, sir, I was at San Francisco between two and three weeks, while the California convention was in session at Monterey. During all this time, Mr. King was prostrated on a bed of sickness, and most of the time his life was despaired of. I, too, had heard the story that Mr. King had been sent out to California to dictate terms to the people there—to lead them by the hand; but I had heard his purpose was *not* to make it a *free* State, but a *slave* State. I interested myself, therefore, to inquire, while there, what Mr. King's influence was with the people; and I soon found out, that whatever influence he might have with the members of his party, he had none whatever with the Democratic party—for they had taken up with the same idea, that he had been sent out by the Administration for political purposes, among which was, to make California a Whig State; and so suspicious were they of it, that if Mr. King had advised them to any particular course, they would have been very likely to reject it for the reason that *he* had advised it. Like the rat in the fable, they would have replied, that the suggestion might be "meal," or it might be something they "should not like quite so well." It is certainly a fact, that Mr. King never stepped foot into the hall of the convention, or ever was at Monterey in his life; and it is also certain, and the facts show it, that he had no more instrumentality in shaping the course of the convention, than you or I had; nor had General Riley, or General Taylor, or his Administration; and in proof that my present position in relation to Mr. King's influence in California is no new one, I will add, that there are many members in this House whom I assured, on my first arrival here, and while the papers were rife with the report that he was to be one of the Senators from that State, that Mr. King did not stand the *least* chance of reaching the position.

The gentleman from New Hampshire [Mr. Hibbard] well knows I gave him that assurance. And here, sir, I make my final use of the declaration of the gentleman from Alabama, and ask him to look at the consistency of the thing, that a people, than whom no more intelligent or enterprizing can be found on the globe, should be led round by Mr. King, of whose mission a large majority entertained suspicions; or by General Riley, with whom they had an open rupture, and against whose rule they had protested; or by General Taylor or his Cabinet, whose political creed differed from that of two-thirds of the people there? Sir, I take this occasion to say, from personal knowledge gained on the spot, backed up as it is with the facts I have presented, that there is not *one single inkling* of truth in the allegation. A baser slander never was uttered against any people, than this very same charge of *doughfacedness* against the people of California; and let me say to gentlemen, if they think the people of that young State can be led round by a string, or can be dictated to, or be wheedled into measures, let them go there and make the trial. If they suppose it can be done by them, or by this Administration, or by any other earthly power, they are reckoning without their host. These people have roamed too freely, scaled too many mountains, breathed too much free air, lain too many nights with the curtain of stars over their heads, or shrouded with the pall of the tempestuous night, periled too many dangers, and combatted with too many hardships, to be *nosed* round by any man. They feel as independent as the wild horse of the prairie; and if gentlemen think they can be taken with the lasso of dictation, let them try it—the sport may turn out to be a most serious undertaking. And while the people of California know what belongs to themselves, they are not ignorant of what belongs to others. While they will be found ever willing and prompt to extend toward all, the courtesies of civilized life, they will spurn the bribe of the demagogue, and do servility to no man. And now I say, finally, on this point, that whatever may have been General Taylor's secret design in sending Mr. King to California, the mission was not the cause of the convention, had no effect on its deliberations or measures, and should have no influence in the decision of this question of admission. In the name of Heaven, sir, what has the fact, that General Taylor may have intended an evil, to do with the question of right, as between California and the United States? and what has the question of aggression or non-aggression between the South and North, to do with this question of right? The question is not between the southern States and California, nor between the northern States and California, but between California and the Union. What has California done? Has she wronged the South? No. What, then? Why, it is said the northern States, east of the Rocky Mountains, have wronged the South, and hence it is proposed, as a means to procure redress, to make California feel the lash—innocent, though she be, to hold her up, bleeding from the thousand wounds of her sufferings—to lacerate and tear her writhing and agonizing frame—in order that the North, out of compassion to her sufferings, may be led to do what she otherwise would not do. In order to extort a confession or concession from fifteen sisters, you pinion the sixteenth, who has done no harm, upon a cross, and shoot the arrows of your persecution into her. You lick up the life-blood which drops from the wounds you create; you significantly grin, with the blood upon your lips, at the agonizing contortions of her body, in order that her sisters, being moved to the heart's core by her sufferings, may do you justice, as you say, to procure her release! And by whom is this doctrine advanced? Why, sir, it is put forth by men whose private character is above suspicion—men deeply read in morals and in law—put forth in the teeth of that sacred annunciation, which commands us not to do evil that good may come—put forth in conformity to that doctrine which used to visit the sins of the parent on the heads of the children—and in the teeth of that more modern and Christian-like doctrine, that the eating of sour grapes by the parent, should not set the children's teeth on edge—put forth, it may be, in conformity to some corrupt and damnable principle of practised political tactics, but in violation of every well-established feature of the moral code, in disregard of the rights of humanity, and the suffering people of California, and with a total indifference to the teachings of our Lord, and of his gospel.

After this view of the case, Mr. Chairman, I think I may venture to affirm, that the objection to admission, based upon the influence of this Administration over the minds of the people of California, and over the deliberations of the California convention, is entitled to no weight, and therefore should not be taken into the account, in the decision Congress may make in the matter.

But we are still further met with the objection, that the delegates to this convention were chosen, not by the votes of American citizens exclusively, but that Indians, Sandwich islanders, negroes, Spaniards, Chilians, and a host of others, partook in the matter. The same is alleged relative to the adoption of the constitution. Where gentlemen get their authority, I am unable to say. If it is empty declaration—mere words, uttered for *Buncombe*—it cannot be met, and ought not; and if it is based on authority, the opponents to admission are unfortunate, that they have not produced us their authority. Now it is very easy to make an assertion—not so easy to prove it—but whether such declarations will satisfy the members of this body, is not quite so clear; and whether they will satisfy our constituents, depends altogether upon their intelligence, and the confidence they place in our declarations. I might as flatly deny the charge, but I was not present at the election, nor were those who make it. They allege; the proof is on them, not on me, who deny. As yet, they have presented no proof; until this is done, in justice I am not bound to answer; but in order that there may be no doubt in the matter, I quote from General Riley's proclamation, by which the suffrages for delegates were governed:

"Every free male citizen of the United States, and of Upper California, twenty-one years of age, and actually resident in the district where the vote is offered, will be entitled to the right of suffrage. All citizens of Lower California, who have been forced to come to this territory on account of having rendered assistance to the American troops during the recent war with Mexico, should also be allowed to vote in the district where they actually reside.

"Great care should be taken by the inspectors, that votes are received only from *bona fide* citizens actually resident in the country. These judges and inspectors, previous to

entering upon the duties of their office, should take an oath, faithfully and truly to perform these duties. The returns should state distinctly the number of votes received for each candidate, be signed by the inspectors, sealed, and immediately transmitted to the Secretary of State for file in his office."

The proclamation also defines the boundaries of the several districts, the number of delegates are assigned to each district, and the day of election, and day of the meeting of the convention, designated.

By this it will be seen that none, save American citizens, and citizens of Upper California, and those citizens of Lower California who had taken part with us in the war, and had fled to Upper California for protection, were allowed to vote. Now what justification was there in allowing the right of suffrage to citizens of Upper California, and those from Lower California, who had aided in our battles, and who were actually residing in Upper California at the time of voting? Of this latter kind, there were very few; but they had made our country their choice—had arrayed themselves on the side of our flag, and against the despotism of Mexico; and had even come to us, and were actually dwelling among us at the time. I submit the propriety of allowing them to vote, to the generosity of mankind.

But what, say you, have you to say why the citizens of Upper California should have been allowed to vote? Well, sir, the law organizing Oregon into a territorial government, allowed foreigners to vote at the first election under that law, by filing their intentions to become American citizens, and taking an oath to support the Constitution of the United States, and the act of organization. And were not the citizens of Upper California in the same, or a better, position at the issuing of General Riley's proclamation, than foreigners were in Oregon after filing their intentions? Let us examine the treaty of Guadalupe Hidalgo with reference to this point.

This treaty was exchanged at Queretaro on the 30th day of May, 1848. General Riley's proclamation for the convention was issued on the 3d day of June, 1849. A part of the eighth article of that treaty reads as follows:

"Those [Mexicans] who shall prefer to remain in the said territories, [acquired by the treaty,] may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under obligation to make their election within *one year* from the date of the *exchange* of ratification of this treaty; and those who shall *remain* in said territories *after* the expiration of *that year*, without having declared their intention to retain the character of Mexicans, *shall be considered to have elected to become citizens of the United States.*"

Now, sir, their year had expired *three days before* the proclamation was issued; consequently, when it was issued, the citizens of Upper California were deemed, *in law*, to have filed their intentions to become American citizens—they had made their election, and were just as much entitled to vote, as were the foreigners in Oregon, after they had filed their intentions. The oath taken by the foreigners in Oregon, was not necessary to the exercise of the right of suffrage when the citizens of Upper California were called upon, at that time, to exercise.

The ninth article of this same treaty, moreover, recognizes them as *citizens* of the United States, and pledges the faith of the nation to admit them into the Union as a State. By this article, the right to come in as a State is absolute, the time of admission, *only*, being left to Congress. It is as follows:

"Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, *shall be incorporated into the Union of the United States*, and *be admitted* at the proper time, (to be judged of by the Congress of the United States,) to the enjoyment of *all* the rights of *citizens* of the United States, according to the principles of the Constitution, and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion, without restriction."

That the admission into the Union as a State, is here contemplated, is evident from the fact, that to be organized into a territorial goverment, is *not* being "*incorporated* into the Union of the United States," and from the further fact, that the latter part of the article contemplates a *territorial dependency*, "in the mean time," or until the incorporation or admission should be deemed proper by Congress; and that naturalization is *not* here meant, is *evident* from the fact, that the time and manner of naturalization of foreigners, were at the time of the treaty settled by law, and needed no act or consent of Congress. These facts and arguments, therefore, show the utter futility of the objection which is based on improper voting for delegates to the convention; and to settle the same, so far as voting at the adoption of the constitution is concerned, I quote from the constitution itself, and the proclamation of General Riley, announcing its formation:

Proclamation to the people of California.

The delegates of the people, assembled in convention, have formed a constitution, which is now presented for your ratification. The time and manner of voting on this constitution, and of holding the first general election, are clearly set forth in the schedule; the whole subject is therefore left for your unbiased and deliberate consideration.

The prefect (or person exercising the functions of that office) of each district, will designate the places for opening the polls, and give due notice of the election, in accordance with the provisions of the constitution and schedule.

The people are now called upon to form a Government for themselves, and to designate such officers as they desire to make and execute the laws. That their choice may be wisely made, and that the government so organized may secure the permanent welfare and happiness of the people of the new State, is the sincere and earnest wish of the present Executive, who, if the constitution be ratified, will, with pleasure, surrender his powers to whomsoever the people may designate as his successor.

Given at Monterey, California, this 12th day of October, A. D., 1849. B. RILEY,

Brt. Brig. Gen. U. S. A., and Governor of California.

Official: H. W. HALLECK,

Brt. Capt. and Secretary of State.

ARTICLE II.—*Right of Suffrage.*

SECTION 1. Every white male citizen of the United States, and every white male citizen of Mexico, who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the 30th day of May, 1848, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote, thirty days, shall be entitled to vote at all elections which are now, or hereafter may be, authorized by law: *Provided*, that nothing herein contained, shall be construed to prevent the legislature, by a two thirds concurrent vote, from admitting to the right of suffrage, Indians or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of the election, during their attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his

presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house, or other asylum, at public expense; nor while confined in any public prison.

SEC. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

SEC. 6. All elections by the people shall be by ballot.

Fifth section of the Schedule of the Constitution.

"SEC. 5. Every citizen of California, declared a legal voter by this constitution, and every citizen of the United States, a resident of this State, on the day of election, shall be entitled to vote at the first general election under this constitution, and on the question of the adoption thereof."

Which are to prevail—these stubborn facts which I have presented, and the reasons in support of them, or the declarations of gentlemen, who, if they knew the facts, deemed it proper, for reasons best known to themselves, to suppress them? This objection, as the others, when brought to the test of truth and facts, vanishes into thin air, and leaves the men who make it searching in vain for the ghost of their distorted fancy. It is a principle of law well established, that public officers are presumed to have done their duty, until the contrary is shown. Are we to assume it as a fixed fact, that the regulations prescribed by General Riley's proclamation, and those laid down by the constitution, to be followed in voting, were disregarded, or not followed? or rather, have we not a right to assume the converse, until the contrary is shown? Certain it is, sir, that the rules in both cases are specific, and allow none to vote that any impartial man would disapprove of. But suppose some interloper did vote, not entitled to under the rules—of which there has been no proof, and I make bold to say there can be none—should California be kept out of the Union for an unlawful act of another? No, sir, no.

But it is said, Mr. Chairman, that this constitution excludes slavery, and that, for several reasons, this is wrong—first, because it was brought about by the influence of the Administration, through Mr. King; secondly, that it is unjust toward the South; thirdly, that the people of California had no right to do it; fourthly, that the South was not fairly represented; and fifthly, that the restrictive clause in the constitution does not express the sentiment of the people. Let us consider these points in their inverse order.

It is a principle, well-established in republican Governments, that we are to look to the representative to express the will of the people. If the people are all agreed on any one question, and that is understood by the representatives assembled, we expect no difference of opinion among them on such question. And if the representatives are all agreed on a question, mooted previous to their election, we reason from them to the people, and have the right to suppose that a majority, at least, of their respective constituents, were of the same opinion on the mooted question. By this rule, let us try the objection, that the clause in question does not express the wish of the people of California. To do this, I quote from the journals of the convention:

"SLAVERY.

"Mr. Shannon moved to insert, as an additional section, the following: 'Neither slavery nor involuntary servitude, 'unless for the punishment of crimes, shall ever be tolerated in this State.'

"Mr. McCarver moved to amend the amendment by adding thereto the following: 'Nor shall the introduction of free negroes, under indenture or otherwise, be allowed.'

"After debate, as to the propriety of a division of the two questions, Mr. McCarver withdrew his amendment.

"Mr. Shannon's amendment then being first in order, Mr. Halleck, after debate in reference to the particular portion of the constitution which the provision should appear in, moved that 'a declaration against the introduction of slavery into California shall be inserted in the bill of rights.'

"Mr. Shannon temporarily withdrawing his amendment to enable Mr. Halleck to make the motion,

"The motion of Mr. Halleck was decided in the affirmative.

"Mr. Shannon then again submitted his amendment, and after further debate, as to the expediency of submitting the question to the people in a separate article, the proposed section was unanimously adopted."

In the Alta California of October 1st, 1849, is the following extract, from an editorial, on the foregoing subject:

"The only point upon which it was supposed a controversy would arise—the question of slavery—passed without debate, and *unanimously*, utterly prohibiting slavery. Some few were in favor of submitting the matter to the people for a separate vote, but it was not contended for with any show of strenuosity, and was voted down almost unanimously."

What, sir, does this little bit of history speak? That the clause in question is not the imbodiment of the will of the people! *Not one man* opposed to the clause—*all voted for it!* A few, very few, suggested that the matter had better be submitted to the people—they were not urgent; and when this proposition was put to vote, so clear was the conviction that the people were opposed to slavery, that it was voted down *almost unanimously*. Now, sir, there is one of two natural inferences to be drawn from the history of this matter, either that *every* member of the convention saw that slavery would be an evil in California, or, that if any one of them believed the contrary, he saw that his constituents were so opposed to it that he had not the moral courage to vote his sentiments. Take which horn of the dilemma you please. In one case, it proves that slavery ought not to go there, the delegates being judges; in the other, it proves that the people so thought.

In addition to this, Mr. Chairman, I have some little knowledge of this matter gained from personal observation in California, and conversing with the people there. My knowledge is also strengthened by intercourse with the people of Oregon, who have commingled largely with the people of California in the mines and elsewhere; and I state it without reserve, distinctly and fully, that the opposition to slavery in California was almost *universal* among her people. And this opposition was not confined to northern men; men of the South, as well as of the North, believed it would be injurious to themselves, and to California, and hence were opposed to it.

The reason for this opposition to slavery is very obvious. It does not arise out of hostility to the South, and, I might add, not so much from an opposition to slavery itself in the abstract. But it grows out of a very prominent law of nature, well known to us all, that mankind, congregating together in a community, either temporarily, or permanently, will seek their own protection and advantage in preference to consulting the protection and advantage of others. Now, has it occurred to you, Mr. Chairman, what would be the result of introducing slave labor into the mines? First, you must consider, that the practice of hiring men to labor for you there, is practically estopped.

The mines are free to all, and no man will hire unless he can get wages to an amount as large as he could make by working for himself, taking into the account his chances for loss or bad luck; but whenever the wages consume the profit of the hands, the inducement to hire is taken away, and the practice ceases. It is evident, therefore, that the man from the free States must work single-handed. But how would it be by men from the southern States with their slaves? One man might work a thousand, and consequently, on the ground that a slave will do as much work as a white man, the southerner might make a thousand dollars to the northerner one. While the southerner would gradually assume the position of the aristocrat, arising in part from his exemption from labor, and in part from his massive wealth, the northerner and white man, without slaves, would as surely and more rapidly be degraded by the opposite causes. But should these lands ever be sold, or leased to miners, who could monopolize them? Not the white man without slaves, or the northern man, because, not being able to carry on an extensive operation for the causes I have named, he could not afford the capital to invest if he had it. Who then? The slaveholder, for the opposite reason. Hence, the mines would surely pass out of the hands of the northern man, or the man without slaves, and be concentrated in the slaveholder and monopolized by him.

Now, sir, this view of the case was taken into account by the people of California—not by the people from the North exclusively, but by people from the South; and being under the influence of this law I have mentioned, they naturally decided against the institution of slavery in their State; and our southern friends ought not to take this as an insult to them, or as expressing a desire to meddle with the institution of slavery at all, out of the bounds of California, for such is not the case. We on the Pacific do not mean to meddle with your matters at all. It is right that we should look out for ourselves; and I hope we will always be conservative enough to help to see that each section of our common country does justice to the other. If the introduction of slaves there would have the effect indicated, as the people believed, it is not strange that they should be opposed to it. No, sir—no, it is not strange. I understand the people of California well, sir; they are brave men—liberty-loving men—men who scorn to be slaves, or to be ranked with slaves; and honestly entertaining the views I have expressed on this occasion, there is not one of them, when he reads this faint picture which I have drawn, and bethinks himself of the dishonor and degradation that he believes would be silently but *surely* brought upon him by the introduction of such an institution, but will lay down his paper, and while the blood rushes to his cheeks, will grip his teeth, draw up the sinews of his body, and swear by his right arm, the knife by his side, and by "the common law of California," that it shall never be. This is no idle fancy of mine, Mr. Chairman; and I now feel called upon to state—which I do clearly, and without reserve—that slave labor, in my judgment, *never can—never will*, work the mines of California. I do not state this, as expressing my own wish one way or the other. I do not desire to enter at all into the strife about this institution; I state it as a *fixed fact*, based upon a state of things *in esse*; and if California had been organized with a territorial government, at the last session of Congress, and any man had taken twenty, fifty, or one hundred slaves into those mines, they would have been cut down—yes, sir, cut down—cut down by *white men*. No man can monopolize the working of those mines. There is a spirit abroad there, as chivalric as ever brooded over the heights of Scotland, or gathered strength on the summits of Switzerland. To have maintained slave labor there, during this last year, would have required a standing army of fifty thousand men; and whenever it is desired to redden those mountain streams with human gore, take your slaves there.

Mr. Chairman, I hope never to see our coast disturbed by a convulsion of this kind. I would advise against it—I would do all I could to prevent it. But the people of California take this view of it, that the introduction of slaves there would be the greatest evil which could be imposed upon them. They claim the right to settle their own institutions, and if they should want slaves hereafter, they will have them. Popular movement is a current which no man can withstand; and he who breasts it, is sure to be ingulfed in its angry surges. The doctrine of popular rights—the right of the people to govern themselves, and settle their own institutions—is a progressive doctrine; and he who arrays himself against it, will encounter a steel that will pierce him—will throw himself into a livid flame that will consume him, root and branch. And a successful, or even a protracted opposition to the admission of California, will kindle a fire there which will burn for ages—a fire, sir, that I hope never to see lighted up on that coast. I hope to see the altar of the Union planted there, before which its devotees can come from all parts of it, and from all parts of each State thereof, and kneel amid the sweet perfumes of a common and loving brotherhood. God knows that I shall be glad when all these causes of contention are settled, when all clogs to our national progress are removed, when the carriage of State shall be righted again, and the Genius of Liberty shall crack his whip over the chargers of civilization, rushing on to new conquests, and the goal of the nation's glory. And withered be my hand, if I ever do anything intentionally to stop or retard its progress.

But now, Mr. Chairman, let us turn our attention to the objection that the South was not properly represented in the California convention. This representation is of course a relative one—that is, when you say the southern States were not fairly represented, you mean in comparison with the northern States. In that convention there were three classes of representatives, or delegates, two of which, it may be said, were representing their respective sections—first the delegates from California; secondly, the delegates from the southern States; and lastly, the delegates from the northern States. In another view, all these delegates were representing California. But the complaint is, that the South, in comparison with the North, was not fairly represented, or in other words, had not a fair proportion of the delegates. But what are the facts?

If you examine the census of 1840, you will find the relative population of the free and slave States put down as follows, with the exception of

Texas, whose population at that time I have estimated at 35,000.

Population of free States 1840.		*Population of slave States* 1840.	
Maine	501,793	Delaware	78,085
New Hampshire	284,574	Maryland	470,019
Vermont	291,948	Virginia	1,239,797
Massachusetts	737,699	North Carolina	753,419
Rhode Island	108,830	South Carolina	594,398
Connecticut	309,978	Georgia	691,392
New York	2,428,921	Florida	54,477
Pennsylvania	1,724,033	Alabama	590,756
New Jersey	373,306	Mississippi	375,651
Ohio	1,519,467	Louisiana	352,411
Michigan	212,267	Arkansas	97,574
Indiana	685,866	Tennessee	829,210
Illinois	476,183	Kentucky	779,828
Wisconsin	30,945	Missouri	383,702
Iowa	43,112	District of Columbia	43,712
		Texas (estimated at)	35,000
Total	9,728,922	Total	7,369,431

By the census of 1850, the relative proportion of the same States will have materially changed in favor of the free States. In view of this, I have, in order to make it fair to the South, represented the relative population of the two sections by nine and seven; consequently of the delegates in that convention from the several States, on this basis, the South would be entitled to seven sixteenths, while the North would be entitled to nine sixteenths. But if you take the basis of the representation of these sections in the Congress of the United States, you will find the North has, of the two hundred and thirty-one members, one hundred and forty, the South ninety-one. Letting these numbers be represented, for facility of calculation, by what is nearly their relative representatives, seven and five, (but against the North,) and on this basis the South would be entitled to five twelfths of said delegates, while the North would be entitled to seven twelfths; and if you allow the representation to be based on the comparative number of States in each section, then the North and South will each be entitled to one half of the delegates who went thither from the States.

Now for the facts: There were forty-eight members in that convention. Of these, fifteen, namely, Messrs. Semple, Botts, Dent, Gwin, Hall, Hobson, Jones, Hollingsworth, Hoppe, McCarver, Moore, Ord, Stewart, Walker, and Dozencroft, were from the southern States, directly, or by education and birth. From the North there were, Messrs. Aram, Brown, Crosbey, Dimmick, Ellis, Foster, Gilbert, Halleck, Hanks, Hastings, Larkin, Lippitt, Lippincott, McDougal, Morton, Sherman, Sherwood, Snyder, Tefft, and Vermule, twenty in all. The other thirteen were citizens of California at the time of the treaty. There were, then, thirty-five members of the convention who went to California after the treaty. Now seven-sixteenths of thirty-five, is fifteen and five-sixteenths. On this score, then, the South gets her share into less than the third part of a man, and he who would quarrel about this, must certainly have a great liking for disputation, and be tenacious to a fault. If you go on the basis of representation of the several States in Congress, it is still worse for this sort of objector. Five twelfths of thirty-five is fourteen and seven-twelfths; therefore, on this score, the South gets five-twelfths of a man more than she is entitled to. On the last basis adopted, the South would want two men and a half. I do not suppose, however, any one will contend that this is a just basis. If the restrictive clause had been carried by two votes and a half, or if two and a half would have tied it, then there would be some plausibility in raising the question. Thus it appears, Mr. Chairman, if you consider the relative population of the South and North, at the time of that convention, you will find the South was *more* than *equally* represented, and if any section has the right to object on this score, it is the North. How easy then is this monster objection made up of a combination of false declamation, misrepresentation, and ignorance of the facts, demolished by a single fact taken without hands from the depository of truth! But when driven from this position, the objector covers himself by saying, the people of California had no right to form a State government, nor any right to exclude slavery.

The right to form a State government has been already considered; the right to exclude slavery is now the point before us. If the people had a right, as we think we have shown, to form a State government, that right would seem to include the other right, namely, to exclude slavery. The right to form a State constitution must certainly give the right to predetermine the different parts, divisions, chapters, and sections of that constitution—for how can it be said, that the right to do a thing exists, without a right to the means, without which the thing cannot be done? And as all the different parts of a constitution, its doctrines, and sentiments, must, from necessity, pass under review, and be agreed upon before the constitution can have a complete form, or vitality, the right to consider and determine these, must be included in the right to complete the form of the constitution, and to give it life. Therefore, if the right in the people of a territory to form a State constitution, preparatory to admission, is absolute and not dependent, as we believe we have shown, then is the right to determine what the features of that constitution shall be—absolute and not dependent; and if the only prerequisite to such a constitution is, that it shall be republican, then, until the objector can show that the feature in question is anti-republican, he must yield to the right of the people to adopt it.

The doctrine that the people of the territories *alone* have the right to determine their own domestic institutions, or to pass such local laws, not inconsistent with the Constitution of the United States, as they may deem necessary, and upon forming a State constitution, that they have the right to frame that constitution as they please, provided it does not conflict with the Constitution of the Confederacy, is a doctrine emphatically of the South; and I am compelled by the truth to say, that when this doctrine reached the Pacific coast, it was popular, it is popular now, and I hope and believe always will be popular. It wore the garb of republicanism—it struck the pride of the people—it paid deference to their sovereignty—respected their feelings—and it was well calculated to receive, as it did receive, the cordial approbation of the people. This is the doctrine, as we then understood it, inculcated in Mr. Cass's Nicholson letter; and this is the doctrine, as the journals, speeches, and history of that time show, which was put forth by the opponents to the Wilmot proviso, and now the opponents, to a very great extent, to the admission of

California. That this is the fact, I cite you to the resolution and remarks of Mr. CALHOUN, before given, in which he says "that every State, about 'to become a member of this Union, has a right 'to form its own government *as it pleases;*" and also to the extract from Mr. BERRIEN'S report, which I have previously cited, in which he says, "it is the *will* of the people expressed in [that] convention which *alone* creates the State." But here is the position of the South presented by the editor of the *Union*, uttered at the time the contest was going on. I think no man will charge, justly at least, that the editor of the *Union* is false to the South, or that he does not understand their doctrines. This exposition is concise, yet explicit and full; and it speaks volumes why California should come in. You first taught her people this doctrine, and like practical Americans, they have laid hold of it; and having taken you at your word, they now ask admission. But here is the extract:

"The South denies that Congress has any jurisdiction over the subject of slavery, and contends that *the people of the territories alone*, when they frame a constitution, preparatory to admission into the Union, *have a right to speak and be heard on that matter.* This fact being settled, *it really seems to us that this exciting question might be speedily adjusted*, if calm counsels prevail. The South contends for her honor, and for the great principles of non-intervention and State equality. *Why, then, cannot all unite, and permit California to come into the Union as soon as she can frame a constitution?* Then, according to the doctrines which prevail on both sides of Mason and Dixon's line, she may constitutionally establish her domestic institutions on any basis consistent with republican principles. *The South could lose nothing by adopting this course. On the contrary, she would save all for which she contends.*"

Then the "people alone" had the right, when they formed a constitution, preparatory to admission, to settle this question of slavery. *Then* there was no harm in the people's forming a constitution, and why harm *now?* Is it because they have decided the question of slavery *wrong?* But the right to decide it, includes the right to determine what the decision shall be, and consequently the *liberty* to decide wrong. If the matter is to be entrusted to their judgment, their decision should be acquiesced in, otherwise it would be folly to intrust them with the matter. I had prepared a large number of extracts from the speeches of the times, from editorial articles of different papers, and resolutions passed by legislatures and conventions, all going to show that such was the doctrine of the South, during the last Congress. But, by reason of the great length to which my remarks have already extended, I am obliged to omit them. I see the same doctrine is reaffirmed by a convention, held at Philadelphia, on the 22d of February last, in these words:

"5. *Resolved*, That, by virtue of a natural and inalienable right of self-government, the people of the separate territories, when politically organized, have the power of making their own laws, and of executing them, so far as they do not conflict with the Constitution and laws of the United States, and therefore have exclusively the right to prohibit or allow slavery in such territories."

Nevertheless, I am reluctantly compelled to say, Mr. Chairman, that it will be my duty, as I now do, to inform the people of the Pacific coast, that this right is now denied them by some of the very persons who were at first its champions. I hope the vote on the admission of California will materially shake the truth of this annunciation, for I know well how they will receive the intelligence; but the fault is not mine; it is the fault of those who compel me to make the announcement. Being the delegate of the people, I am obliged to keep them informed of the facts as they exist. Much might be said to establish this right, but very little is needed to make the people believe it. It is one of those political notions that become a part of every republican's existence. He needs only to have it announced, to believe it; he asks no weighty arguments to prove to him that he possesses the rights of a man. Trusting, therefore, that it has been shown that the people of California had a right to exclude slavery from their State, and that such was formerly the doctrine entertained by those who now oppose it, I will leave this point to the reflection of the people, who are competent to settle it.

The settlement of the point, that the people of California had the right to exclude slavery, determines the other point against the South, which point is, that the exclusion of slavery was unjust to the South; for sure it is, that two rights cannot come in conflict. If the people of California had the right to exclude it, then the South could have had no right to prevent it; and if the people of California have merely made use of a right of theirs, they have done no injustice to the South in exercising that right. To make use of a right, is doing rightly; but if doing rightly is doing wrong to another, then are words senseless, and the foundations of morals have fallen down. Can it be said, that the people of California have wronged the South, in the exercise of a clear right of their own? And this right to exclude slavery being settled, it follows, that in excluding it, no wrong has been done to others.

As to the next point in order, that this restrictive clause was brought about by the influence of Mr. King, I refer you to that part of my remarks, including Mr. King's letter, as I apprehend the matter has been fully settled there against the objector.

There are, Mr. Chairman, but three points more, which I shall consider—first, the policy of admitting California into the Union as a State, in contradistinction to organizing it into a territorial government; secondly, the impropriety of dividing it on 36° 30', and admitting that portion north as a State, and forming that part south into a territorial government; and thirdly, the inconsiderate folly of dissolving this Union, or disturbing its harmony for doing either of the first two things mentioned.

In considering the first of these points, I lay it down as a principle, which Congress should adhere to, to administer this Government as economically as the nature of the case will allow. It should, in all cases, study cheapness, when that can be done without detriment to the public service. In what aspect, therefore, does the question of admission of California as a State, in contradistinction to organizing her into a territory, present itself. By admitting her as a State, we save the expenses of a civil government, as well as the appropriations to which she would be entitled as a territory; and is that nothing worthy of consideration? If you organize her into a territorial government, you must rule her by military despotism, or you must pay the expense of a civil government. Now, it is certainly rational to conclude, that the government of California as a State, can be administered as cheaply as it can in a territory. When her citizens have to be taxed for the

we expense, have a right to suppose the government will be administered as cheaply as the nature of the case will admit. Yet Governor Burnett, in his first annual message to the Legislature, says:

"From the best estimate I have been able to make, the current expenses of the State government, for the first year, will reach half a million of dollars, but most probably will exceed that sum."

This, then, is the difference in the two plans in a pecuniary point of view; but if it thought best to incur an additional half million of expense, to allay strife and contention, and this will do it, I shall acquiesce. I merely present this point, to show the expediency—the wisdom—in admitting California, as her people, if admitted, are not only willing, but able, to relieve the Government of this burden.

But now to the second point—that of dividing her on 36° 30′. In this case, you not only compel that part of California admitted, with less means, to bear the same burden of a State government, but you form a territory south of that line, which this Government will have to maintain in that dependent condition for an indefinite period, and at an expense of hundreds of thousands of dollars yearly; for it may be affirmed, with all truth, that California, *west* of the mountains, and south of 36° 30′, *never can* make a State of itself; and it is folly—absolute folly—to say it can, or that it should be, organized with Deseret or New Mexico. The extent of desert between them is such as to *forever* separate them and make them strangers. They *never can* be connected, either in *State* or *territorial* governments. This part of California, therefore, must come into this Union with the remainder of the State, or it must stand isolated as a territorial *dependency forever*, and at the enormous expense to the Government I have indicated. Every man who knows *anything* about the country south of the line proposed, knows that the southern part of the territory *has not got*, and *never can have*, the necessary elements of a State. Had I time, I could show this by quoting from the best of authors—but I have not. Such is the truth, and as such, I assert it without fear of successful contradiction. Even the southern part of the San Joaquin valley, which that line would cut off, I am authorized to say, *cannot be reached* by the people on the coast south of that line, where is to be found what little land there is in the southern portion, except by mules; and the mountains are such as to *defy* the construction of wagon-roads across them. And it cannot escape the eye, that the *only* outlet for the proceeds of that valley, is down the San Joaquin and Sacramento rivers to San Francisco, which is an additional reason why the whole valley should belong to one and the same State, and why California should be admitted as she is. Why, then, when God and nature have made it indispensable that *all* of California, as laid off, should belong to *one State*, shall it be contested by the *wrath of man?* Why contested at the expense of *natural boundaries*, the *public treasury*, and the *rights of the people there?* Let those answer who will.

Mr. Chairman, I have turned the last point but one in my argument; and here I would leave the matter, did I not believe it the duty of every man to define his position as to a question which has been attached to, and discussed with, this question. The dissolution of the Union is a theme too familiar to require me to say I mean that; but *that* is what I *do* mean. I shall not argue the question of dissolution as a question of *right*, or *expediency*, or *profit*, or *consequences*. The ground is too sacred to be trod with feet covered with dust as mine are. Leaving the absolute folly—nay, *insanity*—of *dissolving* or *disturbing* the harmony of this Union, for the admission of California as a sovereign State—leaving this to the judgment of a reflecting people—I will take the liberty, as I believe all should do, of expressing my own opinion of it, and what I believe to be the opinion of my constituents. I believe, sir, that such a doctrine should be driven from the pale of civilization as a common enemy of us all. I do not believe—nay, sir, I *will not* believe—there is a single man in this Union, North or South, who is a *dissolutionist* on such a contingency. To charge a man with it, would be, in my estimation, to charge him with the *basest* of heresies—would be to *disgrace* him in the eye of the world. With pain, Mr. Chairman, have I been asked, (I hope not sincerely,) where Oregon would go in case of a dissolution? Where should she go, sir? She is now a child—a foster-child of our common mother whom she loves and adores; and if any of the family are so *neglectful*—so *inhuman*—as to *stab the mother*, and with the *blood* from the wound *besmear* her garments, shall Oregon aid or abet? Oregon is at home, sir, upon the sacred hearth-stone of her parent; that parent smiles upon her, and she is glad; and do you ask where Oregon will go? Sir, as long as there is a vestige of the old homestead remaining, will Oregon remain to revere the spot where it stands. Oregon says, what I trust we all say—what every State should say—what every man should say—that she is for the integrity of this Union under *all circumstances*, yes sir, under *all circumstances*. This is both a *patriotic* and *confiding* sentiment; and being thus for the Union, she cannot entertain any proposition for dissolution. She loves all parts of it equally well. She has no dislike or grudges toward any part, and I pray she never may have. She would say, what all should say, that she is ready to contribute to her *last man*, *woman*, and *child*, to her *last cent*, to the *last drop of her blood*, and to *the last* vestige of her honor, to defend it. And while there is a star of the old Constellation twinkling, the needle of Oregon will point to it as the beacon-light of her safety.

22 36

30th Congress, 2d Session. [SENATE.] S. Rep. Com., No. 256.

IN SENATE OF THE UNITED STATES.

REPORT

OF THE

COMMITTEE ON THE JUDICIARY,

WITH

THE VIEWS OF THE MINORITY

OF THAT COMMITTEE

ON BILL S. 350, FOR THE ADMISSION OF CALIFORNIA INTO THE UNION AS A STATE.

JANUARY 15, 1849.

Ordered, that 10,000 copies be printed for the use of the Senate.

WASHINGTON:

PRINTED BY WENDELL AND VAN BENTHUYSEN.

1849.

30th Congress, 2d Session. [SENATE.] Rep. Com., No. 256.

IN SENATE OF THE UNITED STATES.

January 9, 1849.

Submitted, read, and ordered to be printed.

Mr. Berrien made the following

REPORT:

[To accompany bill S. No. 350.]

The Committee on the Judiciary, to whom was referred the bill for the admission of California into the Union as a State, ask leave to submit the following report:

The bill proposes to declare—

That *all* that portion of the territory of the United States, which was acquired by the treaty of peace with Mexico, shall be *one State.*

That the said territory shall be declared to be at once (by force of this bill) one of the United States of America.

That such State shall be on an equal footing with the original States, in all respects whatsoever, by the name and title of the State of California.

With a proviso, which declares—That Congress reserves to itself the right, at any time it may choose to exercise the same, of forming and admitting new States out of any portion of said territory which lies east of the summit of the range known as the Sierra Nevada, or California mountains, and with certain other reservations for the protection of the public property of the United States in the said State.

It provides for the establishment of district courts of the United States, and the appointment of the requisite officers, as in the other States of the Union, and for the representation of the said State in the Congress of the United States.

The proposed amendments, which have been laid on the table of the Senate, and printed by its order, and which accompany the bill referred to the committee, provide for the election of delegates to a convention to form a constitution for the State of California, prescribe the number of those delegates, and authorize the judges, attorneys and marshals, provided for by the bill, to lay off the *territory* into election districts—to apportion the delegates—to prescribe the time and places of holding the elections—to designate the persons who shall conduct the same—and to prescribe

the time and place for assembling of the convention. The last amendment proposed declares who shall be entitled to vote for delegates to the convention.

The actual condition of the territory of California, as stated in a letter from the department of State, recently laid before Congress, is this: The military government established in that territory ceased, by the conclusion of the treaty of peace, to derive its authority from that source of power. But the secretary thinks that the termination of the war left a government *de facto* in full operation, which will continue, with the presumed consent of the people, until Congress shall provide for them a territorial government. The great law of necessity, he says, justifies this conclusion; and the consent of the people is inferred from the fact that the only alternative would be a state of anarchy, beyond the protection of all laws. The substance and import of the letter are given—not its language. The political condition of New Mexico is the same. According to this view, there is, then, no legitimate government existing in these territories. Mexican rule over them was superseded by the military government established during the war; and, in every event, by their transfer to the United States by the treaty of peace, on the occurrence of which, that temporary government ceased also to have a legal existence. A government *de facto*, resting on the presumed assent of the people, is all, therefore, that protects them from anarchy.

In view of this state of things, the President, in his annual message at the commencement of the present session, declares it to be the duty of Congress to provide, with the least possible delay, for New Mexico and California, regularly organized territorial governments. Adhering to the usages of our predecessors, in relation to territories which have been acquired by the United States by treaties with foreign nations, the President recommends the establishment of territorial governments. The bill which has been referred to the committee, departing from this settled and uniform policy, proposes to create a State to unite the territories of New Mexico and California, very large in extent, sparsely populated, and inhabited by a people, the greater portion of whom are strangers to our constitution and laws, and, in the judgment of the committee, unfitted, in their present condition, to be incorporated into this Union on terms of political equality with the people of the United States. Such, it will be recollected, was the view taken by the Senate when the treaty with Mexico was under consideration. The ninth article of that treaty was, in consequence, amended, so as to give notice to the Mexican government, and to those Mexicans who chose to transfer their allegiance to the United States, of the terms on which they would be incorporated into the Union, and be admitted to all the rights of citizens of the United States; that this would be done not instantly, as is proposed by this bill, but "at the proper time, to be judged of by the Congress of the United States;" that is to say, when, by a course of territorial pupilage, they had become acquainted with our constitution

and laws, conversant with the operations of the government, and had acquired, in some degree, that similiarity of character which can alone fit men for the intimate political association which exists between the several States of this Union, without doubt the power thus reserved to Congress, by the amendment which has been spoken of, would have existed without this express reservation, unless the contrary had been stipulated in the treaty; but it was fit, in treating with strangers to our peculiar institutions, to advise them of the existence of the power, and of the determination of Congress to exercise it; and it is as an expression of the views of the Senate evincive of that determination, that it is now referred to.

But, independently of these considerations, which they think would render it inexpedient to pass this bill, there is, in the opinion of the committee, a question of power which deserves the attention of the Senate.

The third section of the fourth article of the constitution provides that "new States may be admitted by the Congress into this Union;" and the last paragraph of the same section declares that "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Under this last clause, or under the power to govern, which is necessarily implied in the right to acquire territory, Congress has passed laws to organize the various territorial governments which have from time to time existed within the limits of the United States, while under the first they have admitted the people of those territories into the Union, when, in process of time, they had become States duly organized as such. The States so admitted have been either—

1. Such as formed a part of some one of the States of this Union, and were separated from it by the consent of such State, or

2. Such as were formed out of territories ceded to the United States by one of the States, or by a foreign government.

Those of the first class were promptly admitted into the Union as States, having previously organized governments composed of a people familiar with our institutions, and sufficiently numerous to entitle them to this privilege. Vermont and Kentucky are examples of this class. The States which have been formed out of territories ceded to the United States by some one of the States, have been uniformly subjected in the first instance to territorial governments, and have been subsequently admitted as States, when they had attained the requisite numbers, and on the exhibition to Congress of a constitution establishing a republican form of government, which, by the fourth section of the fourth article of the constitution, the United States were bound to guaranty to every State. Tennessee and Ohio are the earliest examples of this class.

The same course of proceeding has been adopted in relation to territories acquired by cession from foreign powers. They have first been organized as Territories, and subsequently admitted as

States. Louisiana and Florida are instances of this. In no case has the power conferred by the constitution to admit new States been exercised in behalf of an unorganized body of people having no constitution, or laws, or legitimate bond of union, by the *creation by Congress of a State*, and its instant admission into the Union as one of the sovereign States of the confederacy. Independently of the inexpediency of such a course, in the opinion of the committee, Congress has no power to adopt it.

The power conferred by the constitution on Congress is to *admit* new *States*—not to *create* them. According to the theory of our government, the creation of a State is an act of popular sovereignty, not of ordinary legislation. It is by the will of the people of whom the State is composed, assembled in convention, that it is created. Congress may provide for the assembling of a convention; but it is the will of the people, expressed in that convention, which alone creates the State; and, until that is done, the power conferred by the constitution on Congress, "to *admit* new *States*" into the Union, is not called into exercise. There is nothing upon which it can operate. In the opinion of the committee, then, this bill ought not to pass, because it proposes the exercise, by Congress, of a power not vested by the constitution in the national legislature, namely, the *creation of a new State.*

But there are other, and, as the committee think, valid objections to this bill. It proposes to unite all the territories acquired by the treaty with Mexico, and with it to constitute one State. This territory, extending over — degrees of latitude and — degrees of longitude, is obviously too large for one of the States of this Union, and that such was the view of the framer of this bill is manifest from the proviso, by which "Congress reserves to itself the right, at any time it may choose to exercise the same, of forming and admitting new States out of any portion of said territory which lies east of the summit of the range known as the Sierra Nevada, or California mountains."

In the opinion of the committee, this proviso would be simply void, if the purview of the bill would have any validity; and, if it would not, the proviso would have nothing on which to operate.

By the enacting clause it is provided that these territories shall be one State, and the same is thereby declared to be "one of the United States of America, on an equal footing with the original States in all respects whatsoever, by the name and title of the State of California." If this enactment were valid, the effect would be, that immediately on the passage of this bill, these united territories would become one of the sovereign States of this Union, on an equal footing with the original States in all respects whatsoever. Now, it is the privilege of each of the sovereign States of this Union not to be dissevered without its consent, for the same section of the constitution on which this bill is founded, provides that "no new State shall be formed or erected within the jurisdiction of any other State," without the consent of the legislature of such State. If, therefore, under the enactment of this bill, these territories were admitted as one of the sovereign States of the

Union, the integrity of this new State in its whole extent would be guaranteed by the constitution; and so long as that instrument is held sacred, it might safely defy the utmost power of the government, or of its co-States, to circumscribe the limits of its jurisdiction. Again: This bill having created a new State, which is to spring into existence at the moment of its enactment, clothed with all the powers and invested with all the rights which belong to the original States, on an equal footing in all respects whatever with each of the sovereign States of this Union, such State is thereafter entitled to regulate its own internal concerns according to its own discretion, and unembarrassed by the interference of Congress. The power which Congress may thereafter exercise within this new but sovereign State, is precisely such as it exercises within any other State of the Union. To the State itself belongs exclusively the establishment of its own municipal and domestic regulations. If the people who compose it desire to originate a constitution or to provide a new one, the manner in which this shall be accomplished the State alone must prescribe. It alone can determine upon the assembling of a convention, the number of delegates of which it shall be composed, the qualifications of voters, and the time and place at which the convention shall assemble. If this is not so, the new State is not sovereign—it is not on a footing in this respect with the other States of the Union; for no one will doubt that such an exercise of power by Congress within any of those States would be absolutely nugatory. If this bill, therefore, were effective to create, as it proposes to do, a new and sovereign State, it seems to the committee that all the provisions which relate to the convention, the number of the delegates, the mode of their selection, the qualification of the voters, and the time and place at which it shall assemble, are beyond the jurisdiction of Congress, and exclusively within that of the State.

If it be said that Congress has heretofore exercised similar powers on the admission of States into the Union, the answer is, that they have only been exercised over the territories of the United States preparatory to their admission as States, and were to be and were carried into effect before such admission. And if, again, it be said that the people of this new State, being without a constitution of government, will be unable to provide the means by which a convention may be assembled and a constitution may be formed, it seems obvious to reply that this difficulty, if it be insurmountable, only serves more distinctly to prove the incongruity of an act of legislation which proposes to create a sovereign State, whose sovereignty necessarily excludes all foreign interference in its internal concerns, and which has at the same time no agencies of its own by which its sovereign powers may be exercised.

The committee have deemed it their duty to submit to the Senate one further suggestion in relation to the bill which has been referred to them. It proposes to admit as a State the whole territory acquired by the United States from Mexico, including thus in its whole extent the territory of New Mexico. It is known that the State of Texas claims the Rio Grande as its western boundary,

which claim embraces a considerable portion of that territory. The effect of the proposed bill would therefore necessarily be to lay the foundation of a litigation between the new State and the State of Texas, to be determined by the Supreme Court, with the delay incident to such an investigation. So long as it retains its territorial form it is subject to the jurisdiction of Congress, so far as the rights of the territory are concerned, and without looking to the terms of the resolution for the annexation of Texas, or inquiring whether it may not be considered wholly subject to their jurisdiction. In every event, with a view to the equitable and more speedy adjustment of the boundary between the State of Texas and this newly acquired territory, and without expressing an opinion of the validity or invalidity of the claim of that State, in the opinion of the committee it would be desirable that this boundary should be determined before any new State is created whose limits would be affected by it.

The committee are, however, very sensible of the importance of providing a government for each of these territories, as well from a just regard to the welfare of the people who inhabit them, as to the interests of the United States and of our treaty stipulations with Mexico; and without entering into details on this subject, which are familiar to all, and awaiting the further instructions of the Senate, the committee ask leave to submit the following resolutions:

Resolved, That it is inexpedient to pass the bill entitled "A bill for the admission of California into the Union as a State."

A majority of the committee also recommend the adoption of the following resolution:

Resolved, That it is proper to organize territorial governments for that portion of the territory of California which lies west of the Sierra Nevada or California mountains, and for the territory of New Mexico, lying west of the western boundary of the State of Texas.

30th Congress, 2d Session. [SENATE.] Rep Com., No. 256. PART II.

IN SENATE OF THE UNITED STATES.

January 15, 1849.

Submitted and ordered to be printed.

Mr. Downs, *from the Committee on the Judiciary, to whom was referred the "bill (S. 350) for the admission of California into the Union as a State," submitted the following as the views of the minority of that committee, viz:*

After all the examination and reflection the undersigned has been able to give to this important subject, with all the respect due to the superior abilities, learning, and experience of the members composing the majority of the committee, not being able to agree with them, he desires to submit as briefly as possible some of the reasons which have led him to a different conclusion.

To form a correct judgment of any great public measure of this kind, it is useful, if not necessary, to consider the circumstances under which it is presented and the history of the times. Much depends upon these. They ought to be taken into view in the discussion of this subject.

We acquired, by the treaty with Mexico, a large extent of territory, Upper California and New Mexico. Long before the acquisition was consummated, the demon of discord, fanaticism and sectional jealousy, stimulated and excited by thirst for political power, took hold of the subject, and insisted that the territory about to be acquired should be so governed, and so restricted, that it should not be equally open to the people, and their property, from all parts of the Union. In other words, that the "Wilmot proviso" should be extended over it.

But notwithstanding this disturbing and exciting subject, the war was gloriously conducted and terminated. No objection was then made to the expenditure of blood or treasure by a particular section. It became necessary to govern the acquired territory. The proviso was again presented and insisted on. Two compromise bills passed the Senate, but failed in the House of Representatives. A new political party was organized with this "Wilmot proviso" principle as its distinctive characteristic, and affording its only hope of success. The Presidential election was held and its result known. It was then hoped by many that this vexed question would be settled, as all such dangerous questions have

been, by a union of a sufficient number of the patriotic of the two great political parties, long known to the country, and extending to all sections of it. But there was a difficulty to be surmounted. The same Congress was yet in existence. The same men that voted on these measures last session must vote on them again. A sufficient number of changes could hardly be expected, if the question was presented in the same terms as at the last session. But this might be effected by presenting it in a different form. This the undersigned understands to have been the object of the bill sent to the committee. There were other considerations connected with the subject which, in the opinion of the writer of this, were important, and ought not to have been passed over; certainly not by members from the south. We of the south are, on this subject, in a minority, though the committee, by accident, not by design, so far as he knows or believes, were in the majority. The bill was referred to it, after a debate, by a vote the most strictly sectional that was perhaps ever taken in the Senate. The bill itself was introduced and supported by a member, not of the southern section of the Union, who has magnanimously thrown himself as a mediator between the two conflicting parties, at the imminent peril of his own political existence. Under such circumstances, actuated by such considerations as these, and others which it is not necessary to state, the undersigned did think, and still thinks, that the bill ought to have been most favorably considered by the committee, and not rejected, unless for unquestionable constitutional objections; not merely on the ground of expediency.

The questions considered by the committee, and discussed in the report of the majority, are naturally divided into two points.

1. Is it competent or constitutional for Congress to pass the bill?
2. Is it expedient?

The majority report says: "The States so admitted, have been either—

"1. Such as formed a part of some one of the States of this Union, and were separated from it by the consent of such State, or

"2. Such as were formed out of territories ceded to the United States by one of the States, or by a foreign government.

"Those of the first class were promptly admitted into the Union as States, having previously organized governments composed of a people familiar with our institutions, and sufficiently numerous to entitle them to this privilege. Vermont and Kentucky are examples of this class. The States which have been formed out of territories ceded to the United States by some one of the States, have been uniformly subjected in the first instance to territorial governments, and have been subsequently admitted as States, when they had attained the requisite numbers, and on the exhibition to Congress of a constitution establishing a republican form of government, which, by the fourth section of the fourth article of the constitution, the United States were bound to guaranty to every State. Tennessee and Ohio are the earliest examples of this class.

"The same course of proceeding has been adopted in relation to

territories acquired by cession from foreign powers. They have first been organized as territories, and subsequently admitted as States. Louisiana and Florida are instances of this. In no case has the power conferred by the constitution to admit new States been exercised in behalf of an unorganized body of people having no constitution, or laws, or legitimate bond of union, by the *creation by Congress of a State*, and its instant admission into the Union as one of the sovereign States of the confederacy. Independently of the expediency of such a course, in the opinion of the committee, Congress has no power to adopt it."

The undersigned thinks there are errors of history in some of the facts assumed in this part of the majority report; and if so, the conclusions drawn from them must also be erroneous. It states that Vermont and Kentucky, "having previously organized governments," were admitted; and again—"in no case has the power to admit new States been exercised in behalf of an unorganized body of people having no constitution, or laws, or legitimate bond of union." Kentucky was the first State admitted into the Union by an act of Congress of 4th of February, 1791. This was done on the application of a convention convened for that purpose. This convention assembled July 26, 1790, in compliance with an act of the assembly of Virginia, passed 18th December, 1789, "to decide whether it was expedient for, and the will of the good people of the district, that the same should become a separate State, and independent member of the Union: provided, that prior to the 1st of November, of the year aforesaid, the government of the United States release Virginia from her federal obligations arising from the district—agree that the proposed State shall, *immediately* after the day fixed for the separation by the convention, and which was required to be posterior to the 1st of November, or at some convenient future day, be admitted into the federal Union."

Provision was to be made in the convention, if it determined in favor of separation, for the election and meeting of another convention, with power to form a constitution of government for the new State. This convention resolved that it was expedient to separate from Virginia, sent a memorial to the President of the United States and to Congress, praying them "to sanction the whole proceedings by passing an act of admission for the State of Kentucky into the Union;" and finally it resolved that, in the month of December, 1791, members should be elected, as before, to another convention, and that "the said convention should be held at Danville, on the first Monday in April, [1792,] and shall and may proceed, after choosing a president and other proper officers, to frame and establish a form of government."

The convention to frame a constitution accordingly assembled, and performed that duty on the *first Monday in April*, 1792.—1 *Marshall's History of Kentucky*, 355, 360, 361, 362, 394, *to* 413.

On the 8th of December, 1790, President Washington, in his speech at the opening of the session of Congress, which was not so long as messages now are, covering only two common octavo pages,

called the particular attention of that body to this subject, and recommended a compliance with the wishes of the convention of Kentucky for admission. Soon after this, during the same session of Congress, on the 4th of February, 1791, as before stated, an act was accordingly passed for the admission of Kentucky into the Union. The district or State of Kentucky then had no constitution or other organization, the constitution not having been framed until fourteen months afterwards. There is a preamble to the act, but neither in that nor in the act itself is there any mention made of a constitution, either as having been previously framed, or to be framed afterwards, as a condition to admission. She was let in irrevocably, constitution or no constitution; and what makes the case still stronger, is that no act of Congress was ever afterwards passed on this subject, not even the usual one of extending the laws of the United States over her, although her new constitution was laid before Congress. Nothing of the kind, nothing to this day has been done since that act, which was recommended and signed by Washington, to bring Kentucky into the Union, and if Congress had not the power to pass it, then Kentucky is not yet a member of this confederacy. But Congress and the President of that day seem to have had no doubts on the subject, for a few days afterwards, during the same month and session, another act was passed giving to the "State of Kentucky" two representatives in Congress.

Kentucky, then, when admitted had no constitution, and as "to laws or legitimate bond of Union," she was worse off than California or New Mexico. For they had been States of another confederacy, with boundaries, constitution and laws, long existing and recognized, and instead of being abrogated by the conquest of the country or the treaty, were still further perfected by the establishment of temporary territorial government "organized" by the commanding officers both in New Mexico and California, which organization, though not approved by the Executive in all its parts, and never sanctioned by Congress, still was, and is to this day, a government *de facto*, of an organized body of people, having a constitution, laws and legitimate bond of union, which seem to be all the majority of the committee requires to authorize admission into the Union. While Kentucky, on the contrary, had for the past seven or eight years before her admission, been in the greatest disorganization, not to say anarchy; almost without a legislative or executive, and often without judicial power; fighting the Indians almost unaided, holding conventions, of which she had, during this time, nine or more, cut off from the parent State by a dangerous wilderness, so entirely was she out of the pale of authority, even of the War Department, that the attorney general was sometimes addressed, and instructed on military affairs, and a board of war was established in the west, to exercise for the district the executive function; and finally, even as late as the first election of President, there was not "bond of union," nor "organization" enough to enable the people of the district to vote for the "father of his country."

Vermont was the next State admitted on the 4th of March, 1791,

and, though she had formed, without being authorized, a constitution, during the revolution in 1777, she, soon after her admission in 1793, formed a new one, republican in form, and adapted to her new relations to the confederacy, so that she too may be said to have formed a constitution after she was admitted into the Union.

Tennessee, without any express legislation, but from the implied extension of the ordnance of 1787, with some modifications, to her, was organized into a territorial government in 1790, formed a constitution in 1796 without being specially authorized for that purpose, and was admitted into the Union by act of Congress the same year; and, though there is a preamble to the bill, it makes no mention of the constitution as being a necessary condition, or one of the circumstances which induced the act.

The next State that claims our attention is Ohio. In this case the usual course was adopted of establishing a territorial government, and authorizing a convention to form a constitution. But even this case is, the undersigned thinks, against the position assumed by the majority of the committee, that Congress has no power to admit a State until she has formed a constitution; for the act authorizing the convention was, in fact, the admission (or the consent given of the United States, which is the same thing) of the new State. In proof of this, he would refer to a subsequent section in the same act, fixing, as in the case of Kentucky, the representation of the new State in Congress, and, as a still more conclusive proof of the position to the subsequent act of Congress extending the laws of the United States over it, in the preamble of which, after setting out the former act, these explicit and conclusive words are used: "Whereby *the said State has become* one of the United States of America." The act itself contains no further admission of the State, so it must have been considered as admitted by the first act.

An illustration of the power of Congress to admit States before their organization is complete, and also of the expediency of admitting into the Union, at an early day, territory acquired from foreign powers, is to be found in the case of Louisiana, purchased from France in 1803. This territory was delivered to the United States on the 20th of December of that year. The provisions of the treaty by which it was acquired, as to the admission into the Union of States formed out of it, were similar to those in the Mexican treaty by which California and New Mexico were acquired. On the 5th of March, 1805, little more than a year after the United States had taken possession of the country, the territory of Orleans, a part of the purchase, was, as soon as the inhabitants should amount to sixty thousand, "authorized to form for themselves a constitution and State government, and to be admitted into the Union upon the footing of the original States." In 1811, another act was passed authorizing the people of the territory to form "a constitution or frame of State government," which contained this provision: "And, if the same shall not be disapproved by Congress at their next session, after the receipt thereof, the said State shall be admitted into the Union upon the same footing with the origi-

nal States." The constitution formed in accordance with this act was afterwards approved by Congress, and the State admitted; but it is evident if this had not been done, if Congress had done nothing more on the subject, by the operation of the law of 1811, the State would have been as completely and finally in the Union as this act made her; and consequently this would have been another instance of a territory, and that, too, acquired from a foreign power, being admitted into the Union, or the consent of Congress given for that purpose, which amounts to the same thing, before a constitution had been formed. The undersigned will not proceed further in the examination of particular cases. It is not necessary. If the question is to rest on precedents, enough have been shown to sustain the position he assumed. But he would respectfully submit, that where, as in this instance, the power given to Congress is a general one, confined and restricted by no particular circumstances, and where, in the course of nearly sixty years, in the seventeen different cases which have been acted on by Congress, no uniform rule or mode of proceeding has been adopted, but every case has been taken up and decided on its own merits, that precedents amount to nothing, except to show that the power is full and discretionary, and that the question always presented is one of expediency, and not of constitutional power. Indeed, the majority of the committee seem at last to have arrived at the same conclusion; for, although their reasoning apparently pointed a different way, yet their first resolution reported on the bill is not that it is unconstitutional, but that it is "inexpedient."

As the bill does not propose to create a new State, but merely to admit into the Union as a State, the people inhabiting a certain district, precisely what has been done seventeen times in our history, the undersigned cannot perceive the application and force of that part of the majority report on *the creation of new States*. Certainly neither the author of the bill, nor the writer of this, ever intended to insinuate that Congress could *create* a constitution for California, or a State there, without the action of the people.

If the majority of the committee had taken the ground that a State cannot come into the actual exercise of all her rights and powers in the Union as a sovereign State until she had formed a State constitution, he should have agreed with them; for, as the new State cannot elect senators and representatives, or electors of President, or perform other functions contemplated by the constitution of the United States, until there were provided a legislature and other State organization, it is an implied condition in the admission of all States, which have not formed a constitution, that that shall be done before it enters upon the full exercise of its new rights. But this does not prevent her from being considered a State, and admitted into the Union, or the consent of Congress given for that purpose anterior to such organization, as in the cases referred to. This would be the case with California, if now admitted. She could not come into the Union fully until she consented to it, and organized a State government; and this might take place sooner or later; but that does not prove that Congress

have not the power to admit her. Iowa was admitted into the Union on the 3d of March, 1845; and yet it was not until long after that time that she was represented in the House of Representatives, and not in the Senate until the present session.

As the substitute which the undersigned will report for the bill will not require any future division of the new State, it is not material to notice that part of the report which denies, no doubt justly, the power of Congress to divide a State. This much he has deemed it proper to say on the question of power. He will now proceed to give some reasons, in addition to those already stated in the first part of this report, on the question of expediency. The report of the majority of the committee urges, he believes, as the only ground of inexpediency, except that of the too great extent, which is obviated by the substitute proposed, that the country is "sparsely populated, and inhabited by a people, the greater portion of whom are strangers to our constitution and laws; and, in the judgment of the committee, unfitted, in their present condition, to be incorporated into this Union." That by the treaty they were to be admitted as States "at the proper time, to be judged of by Congress," and that "by a course of territorial pupilage they should become acquainted with our laws, and conversant with the operations of our government."

No doubt these objections would have been perfectly good, but for the great events that have recently taken place in California, and which assuredly will take place within the next few months. So rapid has been, and will be for some time to come the immigration to that country, that it is impossible to estimate it with any reasonable accuracy. But everything around us proves that it will be immense. There can be no doubt that before your law could reach that country, and a State government be organized, that there would be an American population there consisting of more men, intelligent, enterprising, and educated, (and "these constitute a State,") than there ever was in any new State when first admitted. Why then should they not be permitted to form a constitution and govern themselves? But it may be urged that many of these men are there temporarily, and will return. The undersigned does not think so to any considerable extent. He knows little of American character who holds such an opinion. They never retreat either in battle or in immigration. It is difficult to say in which they excel, but in neither do they ever recede. Show me the spot inhabited by Americans, that was ever abandoned or depopulated. The Boones, the Manicers, the Robertsons, the Seviers, and others that first inhabited the great west, are no longer there, but has Kentucky, Tennessee, Ohio, or other parts of it settled in like manner become less populous? No, nor will California. If the gold should be exhausted, then it may be supposed they would return. Not at all; they would soon find other resources and means of wealth, happiness, and prosperity, perhaps, better than gold. The only ground of inexpediency, then, fails altogether, and why should not opposition to the bill on that ground cease.

The undersigned will bestow but a few words on the provisions

of the bill snbmitted as an amendment or substitute for the one referred to the committee. The boundary is fixed so as to include the whole of the valley west of the Sierra Nevada mountains, drained by the two rivers which, running one from the north, and the other from the south, unite in the magnificent bay of San Francisco, and other territory between the said mountains, where they terminate in the south, and on the Pacific ocean.

The length of this proposed State is about 550 miles, its average breadth about 175 miles, and its area may be estimated at 96,250 square miles, or 61,600,000 acres. We thus have a State of noble proportions, to bear, perhaps, the proud appellation of the western empire State; unsurpassed in climate, and in mineral wealth, and destined at some future day to rival her eastern empire sister in expanded and active commercial enterprise, with all the internal resources which can contribute to the happiness of man.

It is almost twice the area of Louisiana, more than one-third larger than Missouri, more than twice the area of Kentucky, more than one-third larger than Virginia, twice the size of New York, and nearly one-third larger than the aggregate area of six of the New England States, viz: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and is nearly as large as the aggregate area of Iowa and Wisconsin.

It includes nearly all the seacoast and population in Upper California, leaving only a small space on the coast and the town of San Diego and a few missions or settlements, to form an outlet for the vast territory, most of it yet unexplored, which lies to the north and east. It has a well defined natural boundary on every side of mountain and sea, except the north, where the Oregon line is the limit. But if it be deemed proper to include the whole territory on the Pacific in the new State, this can easily be done by a line drawn direct from the southern point of the Sierra Nevada to that point on the Rio Colorado where the river Gila enters it, and the boundary line with Mexico crosses it, as represented on the map from the surveys of Col. Fremont, mentioned in the bill. It avoids all difficulty about a future division of the State, and a still greater difficulty of the boundary of Texas.

It is presumed there can be no serious objection to investing the persons mentioned in this bill with such limited legislative powers as may be found necessary to enable the people of the new State to call a convention to form a constitution. Such powers have frequently been conferred, in the case of Louisiana and in other instances, and was, he believes, contained in a bill which passed the Senate last session. The undersigned therefore submits herewith an amended bill, which he will offer as a substitute for the original one when taken up.

S. W. DOWNS.

January 15, 1849.

A BILL for the admission of California into the Union as a State.

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of the territory of the United States, acquired by the "treaty of peace, friendship, limit and settlement with the republic of Mexico," concluded February 2, 1848, which lies west and north of a line drawn along the summit of the Sierra Nevada, or California mountains, to the latitude of thirty-four degrees and thirty minutes (34° 30″) north; thence due west to the Pacific ocean, as represented on the "map of Oregon and Upper California, from the surveys of John Charles Fremont," published by order of the Senate, shall be one State by the name and title of the State of California; and the same is hereby declared to be one of the United States of America, on an equal footing with the original States in all respects whatsoever, with the *unconditional reservation* to the United States of all right of property in the public domain, and other property ceded by the said treaty, free from taxes or assessments of any kind by said State, and also the power of disposing of the same, including the right of adjusting all claims and titles to lands derived from foreign governments, in such manner as Congress shall prescribe.

Sec. 2. *And be it further enacted*, That all the laws of the United States that are not locally inapplicable, shall have the same force and effect within the said State of California, as elsewhere in the United States. The said State shall form a judicial district. A district court shall be held in said district, to consist of one judge, to be called the district judge. The said judge shall hold three sessions of his court, viz.: on the first Mondays in June, October and February in each year; and he shall, in all things in his district, have and exercise the same jurisdiction and powers which were given by law to the judge of the Kentucky district, under an act entitled "an act to establish judicial courts of the United States," and "an act entitled 'an act in addition to an act establishing the judicial courts of the United States,'" approved 2d March, 1793, and the acts supplementary thereto. The said judge shall appoint his own clerk, who shall reside and keep the records of the court at the place of holding the same, and shall receive, for services performed by him, the same fees to which the clerk of the Kentucky district is entitled for similar services.

Sec. 3. *And be it further enacted*, That there shall be appointed by the President, by and with the advice and consent of the Senate, for said district, a district judge and attorney for the United States, and a marshal. The judge shall receive an annual salary of two thousand dollars, to commence from the date of appointment, and be paid at the treasury of the United States. The district attorney shall, in addition to his stated fees, as allowed to other United States attorneys, be paid by the United States two hundred dollars annually, as a full compensation for extra services. The marshal shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees as are provided for and prescribed to marshals in other districts; and shall, moreover,

be entitled to the sum of two hundred dollars annually, as a compensation for all extra services.

SEC. 4. *And be it further enacted*, That the district judge, attorney, and marshal, herein provided to be appointed, and the officer of the United States army commanding in California, and seven such other good and discreet citizens of the United States, residing in said State, as may be selected by him or a majority of them, are hereby authorized and empowered to lay off said territory into election districts, for the election of fifty delegates to a convention, to form a constitution for said State of California, and to apportion the number of delegates to said districts according to the number of voters in each, according to the best information they may be able to obtain, to prescribe the time and places of holding the elections, and to designate the persons who shall conduct the same, and also to prescribe the time and place for the assembling of said convention and the compensation of its members.

SEC. 5. *And be it further enacted*, That all citizens of the United States, resident within the limits of said territory, including all Mexican citizens who have become citizens of the United States, under the eighth article of the treaty referred to in the first section of this act, shall be entitled to vote at said election of delegates to the constitutional convention: *Provided*, That no person shall vote at said election except white male inhabitants, who shall have attained the age of twenty-one years.

SEC. 6. *And be it further enacted*, That until the next general census and apportionment, the said State shall be entitled to one representative in the Congress of the United States.

SEC. 7. *And be it further enacted*, That the sum of one hundred thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, for the purpose of defraying the expenses of the convention, and other expenses necessary to carry into effect this act, to be paid under the direction of the President of the United States.

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SPEECH

OF

MR. JOHN VAN DYKE, OF NEW JERSEY,

DELIVERED IN THE

HOUSE OF REPRESENTATIVES OF THE U. STATES, MARCH 4, 1850,

ON THE

SUBJECT OF SLAVERY,

AND IN

VINDICATION OF THE NORTH FROM THE CHARGES BROUGHT AGAINST IT BY THE SOUTH.

WASHINGTON:
GIDEON AND CO., PRINTERS.
1850.

SPEECH.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill for the admission of California into the Union as a State, Mr. VAN DYKE rose and said—

Mr. CHAIRMAN: I have but a single object in view in rising to address the committee at this time. It is not my intention to "agitate," particularly upon the "peculiar institution" of the South, nor to discuss at much length the great question which has recently been started here—whether slavery be or be not "a social, civil, political, and religious blessing." I leave these matters to those whose whole souls seem to be entirely engrossed by them, on both sides, and who can neither see, hear, nor think of any thing else. Nor shall I stop, in the short time allowed me, to calculate the value of the Union, as certain Southern gentlemen tell us they *have* done already, and who have proved very satisfactorily to themselves, I presume, by figures, which it is said cannot lie, that it is worth but little, and that they will be quite as well off out of it as in it. Nor shall I attempt to examine that other question, lately grown into immense importance here, viz., whether the impulsive, fiery, and chivalrous South, or the cold-blooded, phlegmatic, and calculating North, usually furnish the larger number of officers, and more and braver soldiers for that great test of human greatness, the field of slaughter. This subject has been rung in our ears until I have thought I heard the cannon roar, have imagined that I actually smelled gunpowder, and, in fact, saw something in the papers about muskets and buckshot; but I leave this subject also to be settled by the "militia colonels" of Congress, and those who have never yet reached that important and dignified station. One thing is very certain, (and of this, I suppose, we are fully satisfied,) and that is, that we are all very brave when there is no danger. There is yet another subject much spoken of here—the scenes which are to follow a dissolution of the Union. The trumpet's clang, the clash of arms, and the shock of battle—the tossing plumes, the prancing steeds, and the flashing steel—the wasted fields, the flaming cities, and the streams of blood—are paraded before us with all the "pomp and circumstance of glorious war;" but from such scenes I beg leave also to turn away. I cannot, with any degree of pleasure, contemplate the triumphs of Anarchy, as he waves his blood-stained sceptre over the broken fragments of this once happy and powerful Union. Nor do I believe for a moment that there is the slightest reason for any such contemplation. This Union was never stronger nor in less danger than at the present time; and although we may have a little dispute among ourselves, our attachments will be all the stronger when the storm shall have blown over and the quarrel shall have been adjusted.

My object in rising, sir, is to vindicate the North, so far as I am able, against the gross and unjustifiable charges made against it, with little or no discrimination, by the South. Scarcely a Southern gentleman rises to speak upon this subject, but accuses the North, in the bitterest terms of reproach, of oppression, aggression, and outrage upon the rights of the South; and there is scarcely a newspaper published on the southerly side of the line that does not assert the same thing. If the South is to be believed, the North, as a people and as States, are a set of Goths and Huns, Alarics and Attilas—robbers, cut-throats, and constitution breakers, whose great object is to free the slaves, burn the dwellings, cut the throats of the masters, and dishonor the wives and daughters of the South. If, indeed, the North be guilty of all these sins, both actual and intended, then to be sure we are greatly in the wrong, and our brethren of the South do not complain without cause. But, sir, I deny these charges utterly. It is not true that the North has been guilty of any aggressions upon the South. It is the mere creature of the imagination—"the baseless fabric of a vision." I hold myself ready to prove the position which I take; and I invite your attention, sir, and that of the committee, to those stubborn things called facts, to sustain me in what I say.

I know very well that certain persons in the North have done and said particular things, not approved of any where, well calculated to displease the South, and of which I shall speak more fully

hereafter; but it is equally true that portions of the South have done the same thing; and while it is not my intention to charge the South with aggression upon the North, yet I do affirm that the whole course of the legislation of the country, from its foundation, has been to suit the views of the South; and no law, whether for protection, improvement, or otherwise, that did not accord with the wishes of the South, has ever been allowed to pass, or, if passed, to remain long on the national statute-book. The complaints, the domination, or the superior abilities of the South, have always enabled it in the end to have its own way.

Mr. Chairman, I am not precisely certain whether I should class the State from which I come among the Northern or Southern States. If that magic line, of which we hear so much, known as Mason and Dixon's line, should be run straight through to the Atlantic, it will cut our State directly in two, leaving a part of it on each side of the line. And besides this, I find, on looking at the map, that the southerly part of the State of New Jersey is on the same parallel with the District of Columbia, which, with that part of the State of Maryland lying north of it, claims, I believe, to be purely southern; but whether it be southern, northern, or neither, one thing is pretty certain, that neither she nor any of her representatives are very *fanatical* on the subject of slavery. She does not countenance mere frantic agitators at home, nor does she desire that her Representatives should become such here; but I am sure that I speak only the truth when I say, that among her whole people there is a deeply seated and abiding conviction on the subject of slavery. Having had the institution herself, and having gradually abolished it; having fully examined and fully tried both sides of the question, as our friends of the South have not, she does not believe that it is either a social, civil, political, or religious blessing, but she believes directly to the contrary; and she believes, further, that all legislation which may lawfully take place on this subject should be to *restrain*, and not to *extend*, either its power or its area. As she would resist, with all the energy within her power, the re-establishment of slavery within her own borders, so she will never consent to its re-establishment in any territory of the country where it has been once abolished by law, and where it does not now exist. But, having used all the means within her power to frustrate any such attempt, if she shall find herself voted down by a majority in the National Congress, I think I may say for her that, whatever she may *think*, she will not attempt to dissolve the Union in consequence.

But to return to the charges of *aggression*, which is the word commonly used to comprehend every kind of northern iniquity. In the great Southern Address of last winter, which was signed by most of the Southern members, occurs the following passage; and I quote it because it is more temperate in its tone than usual, and because it bears the signatures of a majority of Southern members in both Houses of Congress. In speaking of what it terms a "conflict" between the two great sections of the Union, the Address continues:

"The conflict commenced not long after the acknowledgment of our independence, and has gradually increased until it has arrayed the great body of the North against the South on this most vital subject. In the progress of this conflict, *aggression has followed aggression, and encroachment encroachment, until they have reached a point where a regard for your peace and safety will not permit us to remain longer silent.*"

This charge of *aggression*, in some form or other, is iterated and reiterated by almost every gentleman who speaks from a slaveholding State, and it is the only true ground, or pretence of ground, on which a dissolution of the Union is threatened; and yet no one has thus far been able to lay his hand upon or specify one single act or instance in all the North, which can be either seen, felt, or known, which can possibly justify or sustain this most unjust and slanderous charge. All is known by hearsay. One manufactures a story, others put it into circulation, until nearly worn out; it is then newly vamped up and recirculated, until, with the aid of a rather easy credulity, the Southern people come to believe it is actually true; and having heard it told so often, they assert it with all imaginary positiveness, without ever thinking whether there be any evidence of its truth or not.

But I have, without hesitation, denounced the whole string of charges, both in the aggregate and in detail, as being without foundation and untrue; and although the burden of proving them true naturally rests on the party who makes them, yet I am willing in this instance to reverse the usual order of evidence, and prove the direct contrary to be true.

These charges of aggression are divided into four classes, viz:

Aggressions by acts of Congress.

Aggressions by State Legislatures in relation to fugitive slaves.

Aggressions by State courts and State officers on the same subject; and

Aggressions by the Northern people in aiding the escape of slaves.

And first, *the aggressions by acts of Congress.* I have already stated, sir, that the whole legislation of the country has been of a character to favor the South, and not encroach upon her. And now let us look at the facts.

The Southern Address goes back for its aggressions to a time prior to the adoption of the Constitution. And to that period I propose to follow it. When the Constitution was adopted we had but thirteen States. Since that time seventeen new States have been admitted into the Union; *nine* of these have been admitted as slaves States, and *eight* of them as free States. As Congress, then, has thus far admitted more slave States into the Union than it has free States; and as these slave States could never have been admitted without the consent of the North, for the North has always had the majority in the House of Representatives; and as we have seldom heard of any resistance being made to such admission, we are bound to suppose that the North has not been very aggressive in this matter, but directly the contrary.

Again. Of the territory embracing the present States of this Union, more than two-thirds of it is slave territory, and less than one-third of it is free territory. The number of square miles embraced in all the free States is 454,340; the number of square miles embraced in the slave States is 936,318. While the number of white inhabitants in the free States is much more than two to one over the slave States, yet the slave States, in extent of territory, have more than two to one over the free States; and as nine of these slave States have been admitted by Congress, which always had control over the question of boundary; and as these States, thus extended, could never have been admitted but by the consent of the North, I do not think that it was very aggressive upon the South in this matter.

Again. So anxious has the South ever been for the admission of new States from that section, with a view to preserve the equilibrium, as she calls it; and so willing has the North ever been to accommodate her in this particular, that three of the Southern States have now only population enough to entitle them to one representative each. Whether they will ever have any more or not is among the unknown things; but no such thing exists in the North. The last three States that have been admitted from the North were kindly kept back from affecting the equilibrium principle, until they were entitled to two members each. And the very last one which has been admitted from the North, and admitted by the last Congress, has now three members on this floor. In this matter of Congressional action, then, it cannot be said that the North has been very aggressive, but quite otherwise.

As another evidence of the oppressive and aggressive disposition of the North, in 1803 it agreed to purchase and add to the country that mighty territory, known as the Louisiana purchase, lying on the west side of the Mississippi, and reaching from the southern point of Texas to the most northerly line of our possessions, and stretching westward in part to the Pacific ocean. This vast domain, every foot and inch of which was at the time covered, theoretically at least, and practically in part, by slavery, the North contributed its treasure to purchase, and gave it up to the uncontrolled dominion of slavery and the South for a period of nearly twenty years; and the moment the North began to hint that slavery had proceeded far enough, we heard threats of a dissolution of the Union. But here again the South proposed its own terms; the North acceded to them, as usual, and all things went on smoothly. But let us pursue this subject a step further in search of Northern aggressions. Of the territory thus acquired from France four States have thus far been created—Louisiana, Arkansas, Missouri, and Iowa; three of them slave States, and one of them a free State. And all this by the consent, agreement, and treasure of the North. Truly the North has been shockingly aggressive!

But again. Out of the entire territory which we have acquired since the Louisiana purchase, excluding the New Mexican territories, two States have been made, Florida and Texas, and both of them are slave States; and this, too, be it remembered was done with the consent of the North, and without whose aid no such acquisitions could have been made. Florida was acquired in 1819, and admitted as a State in 1845, while Texas was acquired and admitted in 1845.

The gentleman from Georgia (Mr. TOOMBS) admits that the North behaved very well up to 1820. I feel very thankful, sir, for this small favor in the way of admission, because it comes directly across the great Southern Address; but he falls into the usual strain of vituperation against her since that time. Now, sir, I beg leave to call the attention of our Southern friends very particularly to this business of the acquisition of Texas, which I have shown happened long since 1820. I do so because it furnishes in itself a most extraordinary instance of Northern aggression upon the South. The gentleman from Maryland (Mr. MCLANE) insists that the annexation of Texas was *not* a question of *Southern* policy. He says it was a *Democratic* measure. I know very well, sir, that during the Presidential campaign of 1844, "the re-annexation of Texas, and the whole of Oregon," were prominently displayed on the gaudy banners of the Democracy, to catch both the North and the South; and I know, also, that through the influence of a Southern President then present, through the power of the lash and caucus screws of the South, where the Democracy were strong, that enough of the Northmen to carry the measure were forced into it; but every one knew, and every body knows, that the measure was of Southern origin; that its great and only object and result was to benefit the South; to strengthen its hands and give to it political power and influence, by adding to its section a slave territory larger in extent than the States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, and Illinois put together, and nearly large enough to embrace Michigan also—Texas having 325,520 square miles, and the other States mentioned, exclusive of Michigan, but 293,259. I also know very well that the Southern men, with a few exceptions, did not publicly avow that their object was, and the result would be, to strengthen slavery and the South. The more captivating, but false and shallow, argument was, that if we did not take it England would get it, a thought which the more heedless of our people could not abide for a moment. But suppose the gentleman from Maryland (Mr. MCLANE) be correct in his view; suppose the North did of its own free choice, and without force or pressure, agree to obtain this vast country, and to surrender every foot of it to the South, to strengthen its position, and enable it to propagate and perpetuate slavery, how then stands the case as to the question of Northern aggression? Is not the case much stronger? Is not the North entitled to much more credit, as between her and the South, if she did this thing willingly, than if it were wrung from her by force.

But you, men of the South, who charge aggression and outrage against the North, please to bear in mind still further, as we go along, that this same vast and valuable country of Texas was thus given over to the South without one particle of set-off or equivalent on the part of the North. The South very quietly and coolly takes and appropriates the whole of it to herself; and now, when, as a clear result of that annexation, through the war which grew out of it, we have acquired other territories, not worth a quarter as much as Texas, she claims to retain this lion's share of Texas undisturbed within her own clutches first, and then asks to divide the balance even with us. Yes, sir, this wonderful and high-minded

section of the country, known as the South, containing but little more than one-fourth of the entire *white* population of the Union, actually claims, and it is this very claim which we are now disputing about, to appropriate to herself the whole of Texas first, and then demands, in tones of menace which smell of sulphur and bristle with bayonets, that she shall have half of the balance. And the refusal to accede to this extraordinary demand is pronounced "an impudent assumption on the part of the North." Yes, sir, this is the language of the gentleman from North Carolina, (Mr. CLINGMAN;) but if there ever was impudence more unblushing, and effrontery more brazen than any other, it is that put forth by the South in the claim to which I have referred.

But the South asks, she says, nothing but justice, and will take nothing less; but where, pray, did she get those ideas of justice? Suppose, for a moment, we throw all the territory together—for I repeat that there was in fact but one acquisition. We annexed one portion, and we had to fight to maintain it; in the settlement of the fight there was additional territory added. This is the proper mode, if a fair division of property is what she is after. Let us divide it, then; and if the South takes the whole of Texas and nothing more, I ask you, men of the South, in all fairness and honesty, if your share is not worth four times, at least, as much as all the rest put together? I ask you, gentlemen of Texas, would you exchange your State, that was once a nation of itself, for a half dozen Californias and New Mexicos? I receive no answer; I know you would not. And again, I ask and demand an answer, if any one is prepared to give it. Is there a man on this floor from the South who would to-day agree, if the thing were possible, to surrender up Texas to freedom and to the North, and take in its stead the whole of the other territories put together? Alas, sir, echo, with her thumb to her nose, answers "not exactly." And this is all the response that I get. In any event, then, and under any circumstances, the South has much the better part of the bargain, and with this she should be satisfied, and to this she must submit, so far as I am concerned, if her only alternative be, that we shall by law inflict slavery upon an unwilling people, and re-establish it in territories where it has long since been abolished, and where it does not now exist. This is what Congress has never yet done, and has never before been called upon to do; and I think I am clearly right in saying that it never can be yielded. I can do almost anything else to reconcile difficulties, real or imaginary; but not this.

Mr. Chairman, I have not overlooked the fact that, in the resolutions annexing Texas, a trap was set, which perhaps caught some northern gulls, under the pretence that the portion of territory lying north of 36° 30′ was to be free. Yes, sir, such an idea was supposed to be contained in the resolutions, and the South are now laughing derisively at us for being so silly as to be caught by any such bait. The truth is, that the part lying north of the line will never have inhabitants enough to make a State, and until it becomes a State it is not to be free; and, by the terms of the resolutions themselves, it is never to become a State until the balance of Texas consents to it. When that consent will be given, you who are Yankees can probably *guess*. But, in the mean time, the slave constitution and slave laws of Texas cover every foot and inch of the territory, and so will continue, until the South as well as Texas agrees to the contrary.

Some one, I think it was a Senator from Alabama, has said that *Oregon* was an offsett against Texas, but certainly not more so than the rest of the wild territory lying north of the line of 36° 30′. Our *title* to Oregon was not acquired when we settled the boundary line between England and ourselves. Our title to Oregon was just as perfect when the Missouri compromise was adopted as it is now, and just as perfect as it was to any other territory. It was insisted on in our controversy with England on three different grounds—first, by discovery at an early day; secondly, under the Louisiana purchase from France, in 1803; and thirdly, by release from Spain when she ceded Florida to us, in 1819—all before the Missouri compromise. So that our ownership of Oregon was just as complete, and the slavery question was just as much settled therein, at the time of that compromise, as in any other territory that we then possessed. The only question with England was, whether we should keep the whole or only a part.

And now, sir, let us pursue this Oregon question a little farther, by way of seeing what aggressions were committed by the North upon the South in the adjustment of that question. This, bear in mind, was northern territory. If the whole of it should be procured, it would add strength to the North in the future admission of States. And although the "whole of Oregon" answered very well for a political campaign, and although in the inaugural address we were informed that our title to the *whole* was "clear and unquestionable," and the North had reason to expect that our right to it would be maintained very valiantly; but all at once we were informed that a title perfectly clear was surrendered to the half of it, and the poor North had to content itself with the remainder. When our right to *southern* territory was in dispute, the nation was unceremoniously plunged into a foreign war to defend an extreme and preposterous limit; but when *northern* territory was the question, at the first growl of the British lion the South "caved in," and thought their "niggers" of more value than northern territory; the North soon followed, and we took the half of that to the whole of which we had, as we were told, a perfect right. This was clipping the wings of the *North* and lessening its power; but to this the North consented, and yet the South accuses her of aggression.

Mr. Chairman, the country, we are told, is nearly turned upside down on the subject of what is called the "Wilmot proviso." The people, it is said, are greatly excited on this subject; and some persons, I am told, are expecting every morning to wake up and find themselves dead. I know nothing of this excitement among the people in my section of the country, and the reason probably is, that no pains have been taken to excite them. It may be otherwise in the South; and why is it so? Not because the people have either seen or felt any pressure upon them from any quarter, for there has been no such pressure; but the reason clearly is, that gentlemen from the South come here and make the most inflammatory speeches possible, in which they accuse the North of every thing that is bad,

and call upon their people, by every thing that they hold dear, to arouse and resist the outrage and aggression. These speeches they circulate thick all over their districts, and the people hearing nothing else, and knowing no better, really imagine that there is something terrible ahead; and thus the excitement of which we hear so much. But excited about what? Why, the Wilmot Proviso. But the Wilmot Proviso has never yet passed Congress, and it is perfectly certain that it never will. Even if it should pass this House, it is well known that it cannot pass the Senate. And gentlemen here make threats of what they will do when the proviso passes, that almost make one's hair stand on end; threats which they know full well they are entirely safe in making, as it is very certain they will never be called on to put them in execution. But, then, we have *talked* about the proviso. Yes, we have talked much about it, and shall probably talk much more; and we once passed it through this House. A year ago, when we had an extreme pressure upon us, growing out of the peculiar situation of California, to give her a territorial government, we did pass such a law, and we put the proviso in it. For this I voted, and I did so under a solemn sense of duty to that people. I had abundance of evidence before me, and I so firmly believed, that the people of California so desired it—a belief that has been more than confirmed since, by the entire unanimity with which they have themselves excluded slavery from their limits by their constitution now before us. Satisfied as I was that such was the desire of that people, I should be unworthy of a seat in this House if I had voted otherwise.

And here allow me to express my view of a representative's duty in such cases. It is not, in my judgment, the right or the duty of the representatives from Massachusetts, or any other northern State, to insist that the particular laws which suit them at home should be enacted in another and remote territory. Nor is it the right or the duty of the representatives from South Carolina, or any other southern State, to insist on any such thing in any such remote region. The question is not what kind of laws the North wants or the South wants in California. But the great question, under proper restrictions, is, what kind of laws does the territory require and need. If a territory desire slavery within its limits, and if it be a "great, social, civil, political, and religious blessing—a blessing to the slave and a blessing to the master;" if it tend to make a country great and strong, and prosperous and happy; and if it tend to develop their resources, to increase enterprise and encourage industry and labor—then, if we think so, let them have it. But if, on the contrary, we believe it to be a great evil, a great moral wrong, a blight and a curse upon every country where it exists—if it hinder emigration, if it depress enterprise, if it discourage industry and labor, by making it disreputable for a white man to work—and, above all, if the people to be affected are deadly hostile to it, why, I ask, in the name of all that is just and reasonable, why should we either put it upon them or allow it to go there, if we can prevent it? If it became necessary for us to give local laws to South Carolina or Massachusetts, it surely would be our duty to give them such laws as those States respectively desired and needed in their particular locations. And why is this not true when we are legislating for a Territory?

But, Mr. Chairman, I every day hear it asserted and repeated on this floor, that the Territories in question were acquired by the common treasure and the common blood of the Union, and that therefore the people of all the States have an equal right to emigrate to these territories, and to carry with them their property of every description, and to be protected in it there. This is true to a certain extent; but, judging from the course of argument on this subject, I infer that those who insist upon this, consider because we have all a kind of equal interest and partnership in the public property, that therefore each one has a right to march at once into the new territories with his horses, cattle, and negroes, clutch the first five hundred or a thousand acres that happen to suit him, squat down upon it, and claim it as his share of the plunder, with the right to hold it and work it with horses, oxen, or negroes, as he may think proper; whereas, in truth and in fact, there is not one of us who is entitled to an acre of that land any more than an inhabitant of Kamschatka. It is true, we have all an *interest* in this public property, that is to say, we are the *cestui que trusts;* the Government is our trustee, and we are entitled to have the proceeds of the sales, or other disposition of the property, justly appropriated for our joint benefit; but not one of us is entitled lawfully to have or touch a foot or inch of that land unless we buy it and pay for it, and take the Government deed as our title. This the inhabitant of Kamschatka can do just as well as we. We are not bound to do this; we can keep our money and purchase better land elsewhere, if we like. We stand in the same relation towards these Territories precisely as we do towards the other public lands of the nation lying within or without the different States of the Union.

But let us approach this subject a little closer. We have the same power to legislate for these Territories that the Legislatures of the different States have to legislate for their particular States. And is it true, that legislative power cannot restrain the people within its jurisdiction from holding and using certain kinds of property, and even from pursuing certain kinds of business for a livelihood, if the holding and using of such property or the pursuit of such business be injurious to the public morals, or detrimental to the public good? If there be no such power, what becomes of your laws to restrain piracy, counterfeiting, horseracing, gambling, rumselling, and the like, which have been enacted a thousand times? Have not the northern States repeatedly exercised this power in the abolition of slavery itself, wherein they have enacted that their citizens should not either hold or use slaves within their limits, and this, too, when a large portion of their citizens were slaveholders at the time of such enactments, and desired to remain so, and who protested loudly at the time against any such laws? Suppose, that in giving government to a Territory, we should insert a clause prohibiting piracy, counterfeiting, gambling, and rumselling, as we have an undoubted right to do, would not every pirate, counterfeiter, gambler, and rumseller in the land cry out that they had an equal right with others to this Territory, and that the Congress had passed a law which prohibited them from emigrating to these Territories, and carrying *their* property with them, and *using* it like the rest of the people of the

country? I suppose our southern friends are not willing to put slavery on the same footing with piracy, but many people think that it stands ahead of it. And, besides, the slave trade is already made piracy by law, and the difference between the two is not so very clear after all, as they always exist together, and cannot exist apart. When we had slavery in New Jersey, even in a modified form, we always had slavedealers. Slavery cannot go into the new Territories without the slave trade going with it; and it is now one of the very grounds on which a dissolution of the Union is threatened, if we abolish the slave trade between the States, a traffic daily carried on between them. If, then, we permit slavery to go into the new Territories, we must also send this piratical slave trade with it.

But, gentlemen of the South, you have another difficulty in the way of carrying your property to the Territories which you say but little about, but you all know full well that it is the real insuperable obstacle in your way. It is this, with regard to property known as such the world over, you stand on the same footing with the North precisely; but with regard to that thing which you *call property*, when speaking on this subject, it is *not* property every where, like horses, cattle, &c. It is property nowhere, except in particular places where the local law has made it property, and authorized man to hold it as such. Your slaves, which you call property in the South, are *not* property in the North, and you cannot hold them by law in the free States, if you take them there, as you can your horses. They are not *property* any where under the whole heavens, outside of your particular limits, if you once take them outside of them. They are not now property in any of the new Territories, because slavery has been abolished there, and it cannot exist, nor can slaves be held there as property unless we re-establish it there. This is the great point in question. Gentlemen may talk around and evade the direct issue, but it comes to this at last. You want us to re-establish slavery, or at least in some way to recognise its existence in some part of these Territories which is now free from it; you want us, by some affirmative act, to make property for you in the Territories; nothing else will satisfy you. What, but this is meant by your proposition to run the Missouri compromise line through to the Pacific? What but this is meant by *all* your offers to divide it? Suppose we continue the compromise line through to the ocean, or any other line. What then? North of the line is to be free, south of it is to be—what? Free also? Does the South want it for free territory? No, sir. She wants it for slave territory. And how is she to make it slave territory, the people there being opposed to it, unless Congress itself shall, by positive legislation, re-establish it there? This, I repeat, is the real question at issue. And as I have before said, this is forcing upon us a new precedent. It is a thing which Congress has never before done, and never even been called upon to do, and I am strongly inclined to think that it will ask to be excused from doing it now.

If this be not the real question, pray tell us what the question is. "What's the cause of this commotion, all the country through?" The people are said to be excited; the South we are told are uniting like one man for defence. A great Southern convention is to be held. A Southern confederacy is being whispered. The Union is threatened, and even the day of its death has been fixed; and this very day revolvers and bowie knives were to be as plenty here as members. And I saw a few Senators come into the Hall to witness the great catastrophe of final dissolution. I shall be glad, sir, if the Union be found existing in the morning; for if we can once get past the time fixed, we will probably be like the followers of father Miller, who, when they found that the explosion did not take place at the time appointed, began to think that after all it possibly might not take place just yet.

But really, sir, what is there before Congress to produce the excitement, and to justify the speeches that are made here? Nothing! Nothing but a simple bill for the admission of a State into the Union. But is there any thing necessarily exciting in this? It is a thing we have done seventeen times before; and it is a people, too, to whom we have refused a territorial government, and they now ask to come under our protection in another form; and gentlemen seem to be greatly excited about it. But she has excluded slavery by her constitution. Well, we have admitted States in all ways, some with slavery in and some without it, and some that said nothing about it; but we have never yet refused a State because she either had it in or had it out. But to resist California for this reason, and to dissolve the Union on this ground, when the people there, according to the true southern State rights doctrine, have decided the matter for themselves, is a position a little more pro-slavery than even our southern friends are willing to assume. And hence they say they do not resist her on that ground; but they say that the President has interfered in the matter, and that the irregularities and illegalities in her mode of organization are so monstrous, and the persons who voted such vagabonds and vagrants, that the thing cannot be tolerated for a moment. Well, there seems to be some irregularities about it, I admit; but then we have no standard of regularity by which to be governed. The Constitution gives the power, but says nothing about the mode and manner of doing the thing. Thus far there has been scarcely two States that have been admitted in the same way. It is always a matter for the sound discretion of Congress. But the understanding that I wish to have with our southern friends is, that if they refuse to admit California on the ground of *irregularity* alone, this being a question where a difference of opinion should not make ill blood or ill friends, if there should happen to be a majority who think differently, and should vote accordingly to admit California—what I want our friends to promise is, that they will not dissolve the Union merely on account of this *irregularity*.

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But the gentleman from North Carolina (Mr. VENABLE) says, we are trying to dishonor them; that this is a thing never attempted before, and I understood him to say, with great vehemence, that he would rather die, I have forgotten how many deaths, than submit to dishonor; and I understood him also to say, that he would far rather that all the little Venables in North Carolina should share the same fate, than that they should submit to dishonor. These are brave words, and they were bravely spoken. The gentleman also told us that there should be no skulking or dodging in this House, if he could help it. That every man should "face the music." And yet that gentleman but the day before, from midday till after midnight, did nothing else but shirk and dodge the question before the House. He was famous among the famed in calling the ayes and noes on every frivolous question that could be started to avoid a direct vote on the pending question. Why, sir, I left the Hall for a few moments, and on returning found the Clerk calling the ayes and noes. I inquired anxiously what the question was, and was informed that the gentleman from North Carolina (Mr. VENABLE) asked what—to face the music? No, sir, he asked to be *excused* from voting; and this is what he calls "facing the music."

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Another cause of complaint and charge of aggression is the alleged interference of the North with the question of slavery in the District of Columbia. Sir, there has never been a doubt, in the North at least, that Congress had full power over the question here, at any time and in any way, to abolish both slavery and the slave trade; and it is equally true that the North has most of the time had the number of votes necessary to carry such measure through Congress, if it had seen fit to use them. And yet, sir, it is true, that with all this power of constitution and of numbers, the North has, down to this very hour, permitted in this District not only slavery, but the *slave trade*—that infamous traffic, which the laws of nations and the laws of Congress have long since made piracy, and punished with death, when engaged in by persons of different nations. This infamous traffic, I say, in its most offensive forms, is down to the present hour permitted to be carried on between the citizens of our own country and the States of the Union with perfect impunity here in the Metropolis of the nation, in sight of the Capitol, and beneath the flag of the Union! Is this aggression, sir? Why if we had swept it away long ago, we could not have been accused of aggression. But allow me to ask gentlemen of the South, why they insist upon the continuance of these things here? Why must the one hundred and seventy members of Congress coming from the North be forced to look upon the loathsome and repulsive scenes connected with this traffic? Why must the representatives and official personages from every government on the face of the earth, and every stranger and traveller who visits our capital, be forced to look upon our slave pens, and droves of miserable half naked negroes, bound together, and driven along the streets like cattle or swine, to a railroad depot or steamboat landing, to be shipped to a Southern market? I feel almost degraded when I admit that the North has thus far tolerated and consented to all these outrages against humanity and decency; and because we tolerated them, we are accused of aggression in this respect. And the gentleman from Georgia (Mr. STEPHENS)

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told us at an early day in the session, and with much warmth, that if we abolished slavery in the District of Columbia, the day we did it we would dissolve the Union. But do not gentlemen stand greatly in their own light in this matter of the slave traffic, especially in the District? Would they not enjoy their own institutions in more peace and quiet at home, where no sensible man desires to pursue them, if they would at once agree to put it out of our sight? For myself I can only say, that before I came here I felt but little concern on the subject; but when I was forced to look, as I have done, upon a drove of negroes, of both sexes and of all conditions, bound together, and publicly driven along Pennsylvania avenue amid the hootings and shouts of the boys, I confess that, although my nerves are not easily disturbed, yet this was a little more than I could look upon with composure; and I doubt not it is so with others. I felt very much inclined to adopt the elegant but forcible lines of Cowper—

"I would not have a slave to till my ground,
To carry me, to fan me when I sleep,
And tremble when I wake, for all the wealth
That sinews bought and sold have ever earned."

And now, a word or two on the subject of slavery in the District of Columbia. The gentleman from Maryland (Mr. McLane) says that he does not look upon slavery as a blessing exactly, but he looks upon it as a *necessity*. This may be true to some extent in certain places, but it is *not* true in regard to this District. Nor is it true with regard to the State of Maryland itself. There is no necessity for its existence in either place, more than there is New Jersey, which lies almost beside them, and where, under circumstances similar to theirs, they terminated that necessity long ago. But I shall confine my remarks to the District. There is neither cotton, rice, nor sugar, nor even tobacco, so far as I have seen, raised in the District; nor is there any kind of labor carried on here in which it can be pretended that slave labor is essential. Indeed, the principal use to which slaves are here applied is for domestic servants, and to hire out for wages; and there is no good reason, that I can see, why a gradual emancipation should not commence. But I am no fanatic on this subject. I would not vote to-day, nor at any other time while I expect to have a seat in this House, for the *immediate* abolition of slavery in this District, although I would vote for a proper bill for the gradual abolition of it. Any sudden change on the subject would be unwise and wrong; and besides this, it is not the way in which the Northern States themselves got rid of it.

But further, Mr. Chairman, on this subject of Northern aggressions, which are going to dissolve the Union. Since the adoption of our Constitution, out of the sixty-four years which will have elapsed on the 4th of March, 1853, when Gen. Taylor's presidential term expires, the South will have had the President and the entire control of the Government fifty-two, and the North twelve. Now, sir, I care nothing about the question of which section has had the most honors. The North does not complain of it. She could have prevented it. But when the South talks of aggressions on the part of the General Government, through its different departments, I desire to know what kind of aggressions they can be, when the North has for fifty-two years out of sixty-four surrendered up to the South the whole control and management of the Government in all its branches? Not only have they had the Presidents, but through them the cabinets, the courts, the foreign ambassadors, and all the officers of every grade throughout the country. The shaping, the forming and modeling of the system, has been theirs. The putting the machine in motion, and establishing precedents, as well as the powerful Executive influence over even the legislative department of the country, has during all this time been with the South—sometimes having the President and Vice President both; and all this, too, when the North could always have prevented it, as her electoral vote has always been the largest, but she did not. And yet the North is accused of aggression upon the South.

But still further, sir; since these very troubles, which now so disturb our peace, have been upon us; since the acquisition of these territories—the great and really only cause of our unhappy strife—the North, with a majority of fifty electoral votes over the South, and consequently with full power to prevent it, has gone and again elected a far Southern man, a large slaveholder; and has again, through him, surrendered the whole powers of the Government into the hands and control of the South for four years more, and during which time these very questions must, in all probability, be settled. Thus placing this whole question of difficulty beyond our control, and placing ourselves almost entirely in the power of the South; and yet, with all these facts before us, our ears are daily stunned with the charge of aggression.

But, sir, let us come one step further down in search of these Northern aggressors. About the first of December last, the two Houses of Congress met. The august branch at the other end of the Capitol, having through the Vice President all the necessary powers to make it otherwise, quietly bound itself up, both body and soul, in all its organization, and rolled itself over leisurely into the arms of the South, where it has remained ever since, and which is in itself a northern aggression scarcely to be submitted to; while, at this end of the Capitol, the Democratic party went into caucus, and selected for Speaker a Southern slaveholder, and with it I find no fault. The Whig party, strong at the North, also went into caucus for the same purpose; but before a selection was either made or spoken of, a portion of our oppressed and down-trodden friends of the South started the remarkably modest project of compelling the entire Whig party, in that informal and preliminary meeting, to pledge itself not to legislate at all on the subject of slavery or the Territories, except to suit the South, or that they should have no organization at all. This sage proposition the party declined to accede to just then; and thereupon, our Southern friends, before referred to, withdrew in a body, and in this House labored for weeks to carry into execution their purpose of disorganization; and one of them publicly reiterated here, upon this floor, the same atrocious sentiment, that unless this House would first "*give security*" that it

not legislate adversely to the wishes of the South, that "discord should reign forever;" and
sloyal and disorganizing sentiment was clapped, and stamped, and applauded, not by the entire
I am proud to say, but by every fanatical disunionist from that section of the country; and if
ad not been patriotism enough in the House to adopt the plurality rule, and thus tumble over-
the whole disorganizing gentry, they would, doubtless, have kept the House and the country at
ntil this time. Well, sir, these patriotic Southern gentlemen, after a struggle of three weeks, suc-
in defeating a Whig Speaker and a Whig organization, and to that extent a Whig administra-
The Northern Whigs, particularly, were disappointed, mortified, and provoked; but what did
o? Did they go to their Northern friends on the Democratic side of the House, and propose a
ern action to sweep this offensive Southernism from the House? No, sir, they submitted quietly.
what next? Why, our Democratic friends had a Northern candidate for Clerk, whom they
ery anxious to elect, and to which they were clearly entitled as against their Southern Demo-
who then had the Speaker, and they came very near electing him; when, all at once, the
ern Democracy became too patriotic longer to sustain a Northern man, and over they went,
l of them, and voted for a Southern man, Whig though he was, and elected him; not because
preferred a Whig, not because they were exeessively attached to the individual, but because he
Southern man. And now it became the turn for the Democrats of the North to be provoked and
ed by their Southern friends, as they were. But what did they do? Did they go to their of-
Northern brethren and propose a Northern organization for the balance of the officers? No,
ey quietly submitted to the outrage. Here, then, the South, with a little more than a third of
dy, has, by its domination and noise, and by its infidelity to its friends, driven the North from
ry position, has procured the two chief and only officers who can, by possibility, have any in-
e on the legislation on this subject of slavery; and this, too, when the North had full power at
noment, if they would have drawn a sectional line, to have excluded the South altogether; but
ey stood by and submitted to all this, simply because they *would not* draw a sectional line or form
ional party. The North could have organized the House in an hour, but it preferred seeing all
ficers of the House and all the organization, through its committees, surrendered up to the South,
than *seem* in any way to encroach either upon their rights or their feelings; and yet we are con-
ly annoyed with the perpetual clamor about Northern aggressions.

ving examined, and, as I think, answered the charges of aggression brought against the North,
as the action of Congress and the General Government are concerned, I will examine briefly the
es of aggression brought against Northern *Legislatures*, when acting in behalf of their respective
. The charges are of two kinds—the adoption of anti-slavery resolutions, and their action on
bject of runaway slaves; beyond these two, there is no pretence of complaint. With regard to
rst, the adoption by Northern Legislatures of the resolutions in question is, as every one knows,
e mere expression of an opinion by those bodies, which have no binding effect upon any one.
have no force in themselves; they cannot, and do not, affect the question of slavery in any sense;
ven though these opinions be expressed in intemperate language, yet it is their undoubted right
so; and although the South may not be *pleased* with them, yet it furnishes no ground of com-
. Certainly, it is no aggression; and, besides this, it is the very course pursued by the Legisla-
of the South—the only difference being, that those from the South take the other side of the
ion. It was but the other day that resolutions on the subject of slavery from the Legislature
rmont were offered in the Senate, and indignantly refused admittance; but a few days after, reso-
ns from the Legislature of North Carolina were offered on the same subject, but of course on the
side of the question, and in which the *North*, without distinction, was accused of "*fanaticism
olitical dishonesty;*" but these resolutions were *received* with but two dissenting voices.

d now with regard to the second class of legislative aggressions, viz., their action on the subject
naway slaves. Although the Constitution of the United States nowhere contains the word *slave
very*, yet it does contain the following clause:

No person held to service or labor in one State under the laws thereof, escaping into another, shall,
nsequence of any law or regulation therein, be discharged from such service or labor, but shall be
ered up on claim of the party to whom such service or labor may be due."

is clause, although it does not say slaves, it has always been understood was intended to apply
tly to them, and is certainly broad enough to cover them. It will be perceived, however, that it
confers the right of capture on the master, but does not prescribe the mode and manner of car-
it out. Well, sir, on the 12th of February, 1793, the States then being nearly all slave States,
he South having every thing pretty much their own way, the Congress of the nation passed an
aid of this constitutional provision, in which is laid down and prescribed the particular manner
hrough what officers such runaways were to be claimed and given up. The same act goes fur-
and inflicts a penalty of five hundred dollars upon any person who shall either rescue such fugi-
or harbor or conceal him after notice that he is such. In further aid of this constitutional
ision, and of this act of Congress, the Legislatures of most, if not all, the States, at the instance
e slaveholding States, for no others desired it, passed, years ago, additional laws on this subject,
gulate the mode of capture and surrender; but in January, 1842, the Supreme Court of the United
s, in the celebrated case of Prigg *vs.* the Commonwealth of Pennsylvania, where the right and
r of a State Legislature to pass any law on this subject was brought directly before the court,
for the express purpose of obtaining its opinion thereon; the court, after elaborate argument
great examination, decided the law to be unconstitutional and utterly void. It took the broad
nd that this being a constitutional provision, it was a matter for the General Government alone to

carry out, and that neither the State Legislatures nor the State officers, as such, had any right terfere in the matter at all, and that all such laws were mere nullities. Under this sweeping de and in obedience to its high and undoubted authority, the Legislatures of most of the Northern repealed the laws which they had enacted on the subject, and some of them prohibited the interf of their officers. This, sir, is the whole of it, and nothing more. The Northern States, after passed laws to aid their slaveholding brethren, found those laws suddenly stricken down and away by a decision of the Supreme Court. They simply abandoned them, and stand precisely they stood before they enacted them. This was not their fault, because it was that which they not avoid. And yet they are denounced as aggressors.

Again: the Southern Address charges our Northern *courts* with obstructing them in reclaimin fugitive slaves. This charge, like most of the others, is made without any one being able to fi a single example to prove it. I know of no such thing, and have never heard of an instance; do know of an instance, within the last six or eight years in the State of New Jersey, where a was made to a slave. The case was tried by a jury, which found in favor of the master, and the was surrendered. And within the last five years a suit was brought by slaveholders, in the St Michigan—a very Free-soil region—against persons charged with aiding and abetting the esc slaves; and a jury of Michigan gave a verdict in favor of the slaveholders, and against their own soil people, of about nineteen hundred dollars; and in the case of Prigg *vs.* Pennsylvania, it a that he had the warrant of a Pennsylvania officer, by which he carried a woman and children that State into Maryland without interruption. So much, then, for aggressions by the Northern

But it is said, again, that the South is obstructed in recovering their slaves by *mobs.* We some of the people of the North, as well as the South, sometimes misbehave themselves. We times have mobs and riots, but there is no one thing that has caused as many in the North attempts to break up abolition meetings and to put down abolitionists. But the Northern mo seldom composed of the public authorities, as was the one in South Carolina, which drove a re able citizen of Massachusetts out of that State, because he simply desired to appeal to thei courts in behalf of an imprisoned citizen of the latter State, which the former had confined. is doubtless some cause of complaint on both sides. A few in the North refuse to aid in the surr of Southern slaves, while some in the South refuse to surrender Northern freemen. Persons North publish abolition papers, and persons in the South rob the mails in search of them. negroes, having *brains* as well as legs, run away from the South; and Southern men kidnap th negroes of the North. These are all evils incident to society, which laws may punish, but c prevent; and which will remain, to some extent, until man every where becomes perfect.

But where, I ask, do these complaints about runaway slaves come from? The gentleman from I Carolina (Mr. CLINGMAN) told us that the little State of Delaware had lost $100,000 worth of sla the space of a year. I am bound to suppose that the gentleman had good authority for this marv story; but it seems to me that, if it were true, Delaware would be found complaining; but she not one word. Perhaps she thinks, like other slave States *should* think, that the more she los better she is off. Maryland, Virginia, Kentucky, and Missouri are the only other States that car lose slaves in this way—they being frontier States; and yet, with the exception of Virginia, we but little complaint from them on this subject. But it is North and South Carolina, Georgia bama, and Mississippi, that have never at any time lost a slave in this way, that are making a noise on this subject. But where are the slaves all gone to? They are not to be found in Ca that great supposed gathering place; nor are they to be found in the free States, nor any where The conclusion must be, that they have not run away; and why should they, if they are so ex ingly happy at home, as gentlemen tell us they are? And let me ask again, why this particular ance has just been discovered since the acquisition of the Mexican territories? The law of 179 remained unaltered on the statute-book to the present time, and has been deemed satisfactory, no real attempt even has ever been made to alter it.

Mr. Chairman, I fear that I see the cause of all these complaints and charges somewhere els heard tell of a shrewd beggar, who always asked for several things in the hope of getting one. is it not true, and is not this the real secret, that our Southern friends are determined to have a po of the free territories obtained from Mexico as an additional *slave market;* and is it not true that have been trumping up this long list of imaginary grievances against us, with a view to hammer over our dull and stupid brains, until, to escape from the severe and incessant infliction, we will fi yield the one point and allow them their market? But, gentlemen of the South, if you have ma your minds to dissolve the Union on this point, you must undertake it; for I again repeat it, tha are asking too much. But, says the gentleman from Mississippi, (Mr. BROWN,) we have mad our minds to have our right in these Territories. We will get it by our votes here if we can, b we cannot, we will take it by "armed occupation." Well, sir, it might be interesting to a man martial spirit to see all the warriors that Mississippi can furnish, with all her "militia colors" at head, sailing around Cape Horn, or taking the overland route, after California shall have been a ted as a State, with a view of taking armed possession of that part of her which lies south of 36° It might be interesting, I say, to a man of strong nerve, but not to me, to see that army, after it been pretty well famished by feeding on flour at fifty dollars per barrel, beef at a dollar a pound potatoes at two shillings a piece—to see it, sir, under such circumstances, when a hundred thou armed warriors, such as California can furnish at the tap of the drum, of the bravest and most d rate men in the world, should, with carbines, rifles, bowie knives, and pistols, make a descent up Sir, I will not pursue this preposterous assumption. California alone, unaided by this Governr can repel and protect herself against any force which the combined efforts of southern disunionist

gainst her; and if Mississippi has any extra funds to carry on such a fruitless war, I would
fully advise her to pay her debts with it, or at least to commence the payment of her long de-
nterest.

ther cause of complaint is, and it is made a ground of resistance to the admission of California,
will destroy the equilibrium of the Government; that is to say, it is insisted that there should
be just as many slave States as free ones, which will make them equal in the Senate at least.
e Constitution contemplates no such thing, for it did not consider that any such division as
and South would ever exist; but this position would forever prevent us from changing the
r of States from an even number to an odd one. And this, after all, is a new idea started by
uth; for, in former days, when the States were nearly all slave States, and when the few north-
ates that first abolished slavery were in a sad minority as against the South, and that section
ery thing its own way, we heard nothing about equilibrium then. But I, for one, care nothing
this question of equilibrium. I do not wish the North to be considered as occupying a position
stery over the South. We are none of us masters in this sense. We are all *sovereigns*, to be
but then we are all equals notwithstanding, as *sovereigns* generally are. And when a State pre-
herself for admission from a slave section of the country with slavery in her constitution, I see
son why we should refuse to admit her on this account, if her action be sufficiently regular in
respects. This we have often done heretofore, and ought to do it again if necessary, for it in-
s no part of the great principle now at issue.

the gentleman from North Carolina (Mr. VENABLE) says that the South parted with its birth-
for a mess of pottage when Virginia ceded to the Government, for the purposes of freedom, the
west Territory; and she has been weeping, like Esau, for the last fifty years, over that which
uld not reclaim. Great praise is claimed for Virginia for this generous and munificent donation.
llow me, in the first place, to say, that Virginia did not make the cession of that country. Vir-
did not own it. Her charter no more covers it than it covers California and Oregon. Virginia
d a part of it, to be sure, and so did New York and Massachusetts and Connecticut, whose
ers gave them about as good a claim to it as Virginia, and it required each of these States to make
ase to the General Government of their respective rights therein before the title of the Govern-
thereto became perfect. Virginia was not the first, even, to make the cession, for New York
n advance of her in this thing just three years. The cession of New York was March 1, 1781;
f Virginia was March 1, 1784.

ain, the cessions on the part of the different States had no reference whatever to the question of
y or freedom at the time they were made. At that time there were other States, besides the
which I have mentioned, having, or claiming to have, wild and waste lands. Georgia and the
inas, and they all, agreed to cede, and they did cede, these lands to the General Government, for
urpose (and it is so recited in the instruments of cession) of enabling the Government to pay its
, entirely regardless of the question of slavery; and it was not until three years after the cession
irginia, viz., in 1787, that the Congress of the old confederacy undertook to pass, and did pass, a
al ordinance for the government of that Territory. In that ordinance is found the section con-
g the great anti-slavery proviso, now called the Wilmot Proviso, which, in terms, prohibits the
nce of slavery in that great Territory, then a howling wilderness. This section was introduced
r. Jefferson, a Virginian; and when it passed, in 1787, it received the unanimous vote of every
ern man in Congress. There were but two dissenters, and they were from the North. At that
here was no dispute about the blessings of slavery; at that time all men held it to be a great
nd a great wrong, and the only question of trouble was, how they were to get clear of it. The
denounced it with much more bitterness than the North; her clergymen preached against it as
; her statesmen spoke against it every where; and all united in heaping curses upon our greedy
h ancestors for inflicting it upon us. But now it is pronounced a blessing. No one dares speak
st it in the South at the peril of his safety; and the southern politicians are now struggling with the
st desperation to inflict upon our possessions beyond the Rocky mountains the same evil for
h they have, with bitterness and anguish, a thousand times cursed their British ancestors for in-
g on them.

. Chairman, the clock admonishes me that I have time to say but little more. It has not been
tention, nor is it now, to bring party politics into these remarks; but our friends on the other
f the House cannot, in their speeches on this subject, avoid assailing the present Administration
omparing it with its predecessor. Sir, if I, or the party with whom I act, had been instrumental
nging upon the country the evils which now beset us, and which, although they will not destroy
nion, so greatly disturb and convulse it, I should scarcely venture to raise my voice in this Hall.
who recklessly annexed Texas, and plunged the nation into war, must bear the accumulated
s of a distracted and ruined people, if a dissolution in fact or in feeling shall follow our ill-omen-
nflict. My hands, and the hands of those with whom I have acted in the matter, are free from the
of blood. Yours are not. The bones of thousands of our slaughtered countrymen that lie
lering in the sands of Mexico, and the sighs and tears of thousands of other bereaved ones, must
ou in startling accents that you are the cause of all. And all the blood and tears and woe that
proceed from fraternal conflict, if our idolized country is to be drenched in fraternal gore, must
ou the same thing. Without these Territories we could not have had any difficulty.

e gentleman from Alabama, (Mr. INGE,) who, in his efforts to make the great, the good, and
old General, who at present presides over the destinies of this Republic, a fit subject for the luna-
ylum, undertook to tell us that his idol, Mr. Polk, went out of office in a greater blaze of glory
ne came in. Perhaps so, but I do not see by what kind of logic he arrives at that conclusion,

when Mr. Polk came into office with a majority of about sixty in his favor on this floor, and went out with a positive and clear majority against him, and was the only President that we ever had who did not get even the offer of a renomination. But I cannot be tempted into any comments upon Mr. Polk. But with regard to Old Rough and Ready, he has often before been placed in circumstances of more appalling difficulties than those which now beset him, and he has not only always extricated himself, but those also who were entrusted to his charge, and he will do it again. He, who has not yet submitted to defeat, in whose vocabulary the word *surrender* is not to be found; he, whose very presence could make the thin but daring ranks of raw recruits a perfect wall of fire, over or around through which the dark and dense array of Mexican cavalry could not ride; he, I say, will yet deliver us if delivery we shall need. That brave heart, and that strong arm, and that indomitable will, if God shall spare his life, will for years to come, bear aloft the gorgeous ensign of the Republic with its stripes untarnished and its stars undimmed; or if fall it must while his hand grasps it, it will be but to make a winding sheet. And when the history of all those who now attempt to traduce the character of General Taylor shall be forgotten and swept away among the cobwebs of the past, his name will live in the memory, in history and in song, a beacon light to guide the American youth up the steeps of fame, and conduct him to the gates of glory.

> "As some tall cliff that lifts its awful form,
> Swells from the vale, and midway leaves the storm,
> Though round its breast the rolling clouds are spread,
> Eternal sunshine settles on its head."

SPEECH

OF

HON. I. P. WALKER, OF WISCONSIN,

IN SENATE OF THE UNITED STATES, MARCH 6, 1850,

On the Compromise Resolutions submitted by Mr. CLAY, *on the 25th of January.*

The Senate having resumed the consideration of the Compromise Resolutions offered by Mr. CLAY, on the 25th of January—

Mr. WALKER rose and said:

Mr. PRESIDENT: I propose to address myself to-day mainly to the second resolution of the series offered by the Senator from Kentucky, [Mr. CLAY:] but before I do so, I wish to submit a few observations upon the question of the power of Congress to legislate for the territories; and particularly in its bearing upon the question of slavery. The Senator from Michigan [Mr. CASS] submitted to us, a few days since, an argument deserving great consideration, and one most interesting in the points on which it touched. And, sir, it is rare in the life of one who mingles in political matters, to witness an exhibition of greater sublimity than was presented to us, when he rose and delivered his views as he did—and as he must have felt, and has acknowledged—in opposition to the sentiments and views of nine tenths of the major half of this Union, and in opposition to what now seem to be the views and sentiments of the leading Senators, at least, in the other. It showed an independence of thought—an independence of feeling and spirit—which, I must say, is too rarely exhibited in our representative Republic. But, notwithstanding all this, I cannot agree with the sentiments he expressed in regard to the powers of Congress. In fact, I do not think that, after all the Senator said, (and so ably,) he touched the real foundation of the power of Congress to legislate over the territories. If the Senator will permit me to ask him a few questions, I think we can bring this subject more plainly before the Senate. I shall do so, for the purpose—if he be wrong and becomes satisfied of it—that he may be afforded an opportunity of correcting his error; for I believe the Senator is one "who does not stereotype, but corrects his errors." And I shall do so for the further object, that if I am wrong, I may have the benefit of his experience and his knowledge to set me right. I would ask the Senator, if he will permit me, if he admits, or not, that the power to acquire territory is an incident to the war and treaty-making power?

Mr. CASS. No, not at all. It is, as I declared in my speech, not an incident, but a *part* of the treaty-making power, to acquire territory.

Mr WALKER. The answer is stronger than I expected.

Mr. CASS. It is the doctrine I maintained in my speech, and what I maintain now.

Mr. WALKER. It was a difficulty on this subject, from the phraseology of the Senator's speech, that led me to make the inquiry which I have. A further inquiry I have to make is, where was the power to make war and treaties vested before it was delegated to this Government?

Mr. CASS. Under the old Confederation, does the Senator mean?

Mr. WALKER. No, sir—before the States gave up the power to the *United* States.

Mr. CASS. We were not an independent Government, or Republic, before that. Great Britain, of course, had the power then.

Mr. WALKER. That is true, before the States were independent; but the import of my question is not understood, nor the answer to it given; and I will, therefore, change it. Before the power to make war and treaties was delegated by the States, where did it reside?

Mr. CASS. I really do not understand the gentleman. There was certainly no such power until the Union, the Government itself, was formed.

Mr. WALKER. I meant the question in no unkindness.

Mr. CASS. Oh, certainly not. I have not so understood it.

Mr. WALKER. My object was, that the view which the Senator entertained might be brought before the Senate. I will cease to interrogate him, however, and will state my position.

Mr. CASS. I am certainly willing to be interrogated all day, and to answer all the questions which the Senator may put to me. I now repeat, that if I understood his question, I would give it a categorical answer. I can only repeat, what I said before, that until the States united together, there was no common power to declare war. To claim that there was, would be to claim that this is a Government of original powers, which would be a monstrous construction.

Mr. WALKER. So I understood when I asked the question, where did the power reside before it was delegated? The answer undoubtedly must be, that it resided with the States. If this is a Government of delegated powers, the powers that are delegated by the Constitution must have resided with those who had to make the delegation. I contend, then, that the power to make war and treaties rested with the States; and that while it rested there, as the Senator has acknowledged, this Government had nothing to do with it. My object is to come to the conclusion that this power is an expressly delegated power, or so necessarily relative and incidental to a delegated power, as to be necessary and proper to the exercise of it.

To be more explicit: I have asked the question, whether the Senator admits or denies that the power to acquire territory was an incident to the war and treaty-making power? and he gives me an answer stronger than I expected—that it is the

power itself. I then ask, where the power to make treaties and to acquire territories resided before it was delegated to the United States? and the answer must necessarily be, that it rested with those powers who made the delegation—the States. The next question would be, that as with the power to make war and treaties, goes the power to acquire territory, where did the power to govern the acquisition reside before the power to acquire was delegated? Must not the answer be, that the power to govern was in the power which made the acquisition—the States? I intended to ask this further question: when a power was delegated by the States to the General Government, were not the incidents to that power also delegated? If any one can give an answer in the negative, I would be glad to have him do it. I hear none.

Mr. CASS. The Constitution, which gives the power, carries the incident to that power with it; otherwise it is not there; and if it is not clearly there, it would be, in all respects, a most violent construction which would deduce it. But the power to acquire is the power itself.

Mr. WALKER. My position is not understood. What I asked was, did the delegation of a *power* carry with it its incidents? This is not denied. Then, if the power to make war and treaties resided in the States, and if a part of the war and treaty-making power is the power to acquire territory, which necessarily carries with it, as an incident, the power to govern the territory, and the delegation of a power is a delegation of the incident, what becomes of that power, with its parts and incidents, when it is not only delegated to the General Government, but its exercise, by the States, is prohibited by the Constitution? Must it not be necessarily vested in Congress? I believe this view of the subject has never been presented in the Senate before. If it has, I have never seen it, or heard of it. I have never before heard it claimed, that the power to govern the territories was an expressly delegated power.

Mr. CASS. Has this Government any powers which are not given it in the Constitution?

Mr. WALKER. I have not contended that it has.

Mr. CASS. Must we not go to the Constitution to look for its powers?

Mr. WALKER. There is where I am going, and have gone.

Mr. CASS. No; the Senator is going before the Constitution.

Mr. WALKER. I ask the Senator if the States could delegate what they did not possess?

Mr. CASS. What does the Senator mean?

Mr. WALKER. I mean that the States, before they delegated it, possessed the power to make war and treaties; and that they have not only delegated the war and treaty-making power, of which the power to acquire and govern territories was an incident and part, but that the Constitution prohibits its exercise by the States; and that, consequently, the power, with its parts and incidents, must be vested in the General Government.

Mr. CASS. If the Senator means that they have not delegated it positively, and that it is merely inferential, I maintain that the States never possessed such powers to be delegated or inferred.

Mr. WALKER. The Senator runs into the doctine against which he warns me, to wit: that this is a Government of inherent, and not of delegated, powers. I contend, that the power to acquire and govern is a delegated power. He will not admit that the power resided in the States, nor will he answer me whether the States delegated that which they did not possess. Why is there a prohibition against their exercising that power, if they never possessed it? My position, then, to repeat it, after this colloquy, is this: that the treaty and war-making power, with its parts and incidents to acquire and govern territory, resided with the States before the formation of the Confederation or Union, and that, when the Constitution was adopted, they gave up that power. Under the delegation of the treaty and war-making power, was necessarily delegated the power to acquire territory, and as necessarily the power to govern it. I wish to get this explanation and the views I entertain clearly before the Senate, that it may be understood that, while I contend for the exercise of this power on the part of Congress, I have some views, at least rational, on the subject of the power of Congress to do what I desire. If Congress did not possess the power—if it was not clearly perceived that the States had given up this power—it must necessarily be an exercise of power which is doubtful, and being doubtful, we perhaps ought to refrain from the exercise of it. I present this view for another purpose. It is generally charged that we are violating the Constitution in doing what we propose in regard to the territories. Certainly none of us intend any such thing, and I wish to be understood, so far as I am concerned. I look upon Congress as not exercising a merely inferential power, but an expressly delegated power, when it exercises legislation for the territories.

It may be contended, however, that the power to legislate on the *subject of slavery* was an exception to the general powers of a State to legislate for its territories. But can any one point out why, or wherein, this exception existed, or any evidence or authority that it existed at all? No, sir! It would be strange, indeed, if the individual States did not possess this power in their territories before they had delegated *any* of their powers; and yet, after they had delegated the most important of them, they should possess *this very power;* for certainly they now possess it, to the fullest extent, in territory under their jurisdictions. Some have abolished, some have prohibited it, and others have regulated it, in all its details.

But to come now to the subject for which I mainly took the floor. The Senator from Kentucky has submitted to us a series of resolutions, the second of which reads as follows:

2. *Resolved*, That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the Republic of Mexico, it is inexpedient for Congress to provide by law, either for its introduction into, or exclusion from, any part of the said territory; and that appropriate territorial governments ought to be established by Congress in all of the said territory not assigned as the boundaries of the proposed State of California, without the adoption of any restriction or condition on the subject of slavery.

I have moved so to amend this resolution, that it shall read:

Resolved, That as slavery does not exist by law, but has been abolished and prohibited, together with the slave-trade, and cannot be introduced into any of the territory acquired by the United States from the Republic of Mexico, without positive enactment, it is inexpedient, &c.

Without wishing to be understood as pledged to vote for this resolution, I intend to try to make good the proposition involved in my amendment, to wit: that slavery does not only not exist by law, but that it has been abolished and prohibited,

and cannot be carried into California and New Mexico, without a positive enactment for that purpose. In doing this, I shall present the laws of Mexico. I shall go behind the period to which the distinguished Senator from Missouri [Mr. BENTON] called our attention a few days since, and I shall present some other provisions of law, and of stipulation, on the part of Mexico, than those presented by him. He commenced with the decree Guerrero, in 1829. I shall go back as far as the year 1823.

It will be borne in mind that Mexico declared her independence on the 24th of February, 1821. In not quite one year and eleven months after that day, the Government of Mexico took its first action on the subject of slavery. On the 4th January, 1823, what is called the colonization act of Mexico, was passed. It was passed by the political junta under Iturbide, the then Emperor. The thirtieth article of that law reads as follows:

"ART. 30. After the publication of this law, there can be no sale or purchase of slaves which may be introduced into the empire. The children of slaves born in the empire shall be free at fourteen years of age."

It is a little singular that this colonization act was passed, as history informs us, at the earnest solicitation of the agent of Texas, then in Mexico. It would have taken, under the operation of this law alone, but a short time to rid the country of slavery. The slaves then living would have been the last.

The next act, on the part of Mexico, was passed July 13, 1824. It has been once brought to the attention of the Senate by the Senator from Mississippi, [Mr. DAVIS,] and once by the Senator from Missouri, [Mr. BENTON;] but I will again read it, for the purpose of offering some comments on its provisions:

"DECREE OF THE 13TH OF JULY, 1824.

"*Prohibition by Congress of the Traffic in Slaves.*

"The sovereign constituent Congress of the United States of Mexico has thought it proper to decree as follows:

"1. The commerce or traffic in slaves is forever prohibited in the territory of the United States of Mexico, under whatever flag, and coming from whatever POWER, (or country.)

"2. Slaves which shall be introduced against the tenor of the foregoing article are free, from the single fact of treading the *territory* of Mexico.

"3. Any vessel, whether national or foreign, in which slaves shall be introduced, shall be irreversibly forfeited, with all its cargo; and the owner, supercargo, captain, master, and pilots, shall suffer the punishment of ten years' imprisonment."

Sir, there is nothing which, in its terms, can be more positively prohibitory of the slave-trade, than this act. There could scarcely be imagined penalties which would make it more binding. Why, the innocent pilot, who merely navigates the vessel into port, is made one of those who are subject to those penalties.

In consequence of this action upon the part of Mexico, Great Britain was induced to acknowledge her independence. I do not speak without having referred to the history of that period; and it will be seen, by consulting the diplomatic correspondence of the day between the agents of Mexico and those of Great Britain, that it was one of the principal causes which led to the acknowledgment of Mexican independence by the British Government. In 1826 a treaty was entered into between Mexico and Great Britain, the fifteenth article of which, according to the English text, is as follows:

"The Government of Mexico engages to coöperate with his Britannic Majesty for the total abolition of the slave-trade, and to prohibit all persons inhabiting within the territories of Mexico, in the most effectual manner, from taking any share in such trade."

This brings us up to the period of the celebrated decree of Guerrero, which is as follows:

[Translation.]

"ABOLITION OF SLAVERY.

"*The President of the United Mexican States to the inhabitants of the Republic:*

"Desiring to signalize, in the year 1829, the anniversary of independence, by an act of national justice and beneficence, which may tend to the benefit and support of so important a good, which may strengthen more and more the public tranquillity, which may coöperate in the aggrandizement of the Republic, and which may restore to an unfortunate portion of its inhabitants the sacred rights which nature gave them, and the nation protected by wise and just laws, in conformity to the provision of the 30th article of the constitutive act, exercising the extraordinary powers which are conceded to me, I do decree:

"1. Slavery is abolished in the Republic.

"2. Those who, until to-day have been considered slaves, are consequently free.

"3. When the condition of the treasury will permit, the owners of the slaves will be indemnified in the manner which shall be provided for by law.

"JOSE MARIA DE BOCANEGRA.

"MEXICO, 15th September, 1829, A. D."

"And in order that the present decree may have its full and entire execution, I order it to be printed, published, and circulated to all those whose obligation is to have it fulfilled.

"Given in the Federal Palace of Mexico, on the 15th of September, 1829.

"VINCENTE GUERRERO,
"LORENZO DE ZAVALA."

But it is said that GUERRERO was an usurper, and that he had no power to issue such a decree, and make it effectual. For the information of those who may be thus doubtful, it may be proper to bring the attention of the Senate to the act which conferred upon GUERRERO the power under which he was then acting; and I will say, that if the Congress of Mexico had the power to confer absolute and arbitrary authority upon the President of that Republic, it was done, so far as the terms used are concerned. It is as follows:

[Translation.]

"EXTRAORDINARY POWERS TO THE GOVERNMENT.

"ART. 1. The Executive of the confederation is authorized to adopt *whatever measures may be necessary* for the *preservation of independence, of the present system of government, and of tranquillity.*

"ART. 2. By the preceding article, the Government is *not* authorized to *dispose* of the *lives* of Mexicans, or to *expel them* from the territory of the Republic.

"ART. 3. This authority shall cease as soon as the General Congress shall meet in ordinary sessions."—*Collection of Laws and Decrees made by the General Congress, &c., of* 1829 *and* 1830, *page* 55.

We see here that absolute power, with the exception of taking the lives of and banishing Mexican citizens, was conferred upon the President; and it was given for the preservation of the existence of the Republic. It must be borne in mind, that at this time Mexico was invaded by the Spaniards; and the most terrible apprehensions were entertained that, in consequence of the combined efforts of Texas on the one hand, and of Spain on the other, the independence of the nation would be subverted. Hence it seems to have become necessary, from the peril of the Government, to repose the most unlimited power in some one of its departments, which could act immediately, in order to preserve the existence of the Republic. Well, this power, consequently, was given to her President, GUERRERO. There was no subject at the time, relating to the politics of Mexico, which excited so much sympathy in her behalf, as that of her efforts to abolish slavery; and consequently GUERRERO issued his decree, under these extraordinary powers, in order to secure the influence, if not the aid, of other Powers hostile to that institution.

Mr. BERRIEN. Will the Senator permit me to ask him a question?

Mr. WALKER. Certainly.

Mr. BERRIEN. Does the Senator believe that there is any clause in the Constitution of Mexico investing the Mexican Congress with the power to confer upon any citizen of Mexico unlimited power?

Mr. WALKER. I will endeavor to answer this question; and though I admit there is no clause in the Mexican constitution expressly giving the power, still I think I shall be able to satisfy the Senator that the power, in regard to which he inquires, does, under their form of government, reside in the Mexican Congress. The Senator no doubt puts the question, because he assimilates our Government to that of Mexico; and knowing that no such power exists under our Constitution, he takes it for granted none such exists there—both being confederated Republics. But there is a great error in assimilating the cases of Mexico and the United States, in this, that Mexico was originally a *consolidated empire;* the United States were *separate* and *independent States.* In Mexico, the *nation* declared her independence; here it was declared that the "*States* were, and of right ought to be, free and independent." In Mexico, the States were created by the delegation of powers to them, by the *General Government;* here the General Government was created by the delegation *to it* of powers by the *States.* There the powers, not delegated *by* the *General Government, or prohibited to it, are reserved to it:* here the powers not delegated by the *States,* or prohibited to them, are reserved to *them.* Now for the authority.

Mexican independence was declared, and her Government established under what is called the plan of IGUALA, framed by ITURBIDE, who became the first Emperor. I will read the first, fourth, fifth, sixth, and seventh articles of this plan or Constitution, for the purpose of elucidating the distinction I have drawn between that Government and this:

"ART. 1. The *Mexican nation* is independent of the Spanish nation, and of every other, even on its own continent."

"ART. 4. The Government shall be a constitutional *monarchy.*

"ART. 5. A *junta* shall be named, consisting of individuals who enjoy the highest reputation in the different parties which have shown themselves.

"ART. 6. This junta shall be under the Presidency of his Excellency, the CONDE DEL VENADITO, the present Viceroy of Mexico.

"ART. 7. It shall govern, *in the name of the nation,* according to the laws now in force; and its principal business will be to *convoke,* according to such rules as it shall deem expedient, *a Congress for the formation of a Constitution* more suitable to the country."

It will be perceived, that in Mexico a *Congress* was convoked by *Government to form a constitution;* here the *States* assembled to create a *Congress, a Constitution, and a Government.* Where is the sovereignty of the States in Mexico to be found? If afterward a Constitution was formed, and States established, the *States* derived their powers from the *Government;* here the *Government* derived its powers from the *States.* ITURBIDE established the junta, mentioned in the fifth article of the plan, by proclamation. This junta established a *regency,* and next *a plan for assembling a Congress.* A Congress met in February, 1822, when the junta dissolved itself. On the 18th of May, 1822, ITURBIDE was proclaimed Emperor of Mexico, under the title of AUGUSTINE I.; and on the 30th of October following, *he dissolved the Congress,* and appointed a junta of forty-five. This was dissolved by VICTORIA, after ITURBIDE had abdicated; and a *supreme Executive* of three was appointed. A *Constituent Congress was next established, after the plan of a Constitution had been promulged.* The Congress discussed and *approved* this plan, which is the Constitution of 1824. The very first thing which the Congress did under it, was to assume the *supreme legislative power.* How unlike is all this to the mode of establishing our Government! My answer to the Senator from Georgia, then, is, that I do find in the Mexican Government the power (and they have often exercised it) to confer on Guerrero the extraordinary powers in question. *It is among its reserved and unprohibited powers.*

Soon after the issue of this decree, GUERRERO was driven from power. I believe he was shot on the 11th of February, 1831. We know that it has been a part of the history of Mexico, that whenever one of their military chieftains has begun to experience the checks of misfortune, his sunshine friends at once leave him. So soon after his death as the 15th of March, his decrees had so far fallen into disrepute, that the Congress of Mexico then passed an act, or rather a joint resolution, to which our attention has already been called, by which his decrees were suspended. One article of that joint resolution is as follows:

"All laws, decrees, regulations, orders, and provisions which were promulgated by the Government, in virtue of the aforesaid extraordinary powers, that in their nature appertain to the legislative power, shall be submitted to the General Congress, and henceforward shall be without effect until they are revised by the Chambers."

We see, then, that the decree was suspended; but in this connection let me read what had been the effects upon the institution of slavery under that decree.

I hold in my hand a letter from a gentleman residing at the time, and for years, in Mexico. I speak of Dr. John Baldwin, now in this city, and who is one of the principal claimants under the Mexican treaty, and a distinguished and worthy gentleman. He has done me the kindness, at my request, to write me this letter on the subject; and as it shows the effect and operation of the decree of GUERRERO, I will read a portion of it:

"WASHINGTON CITY, *Feb.* 22, 1850.

"SIR: In compliance with your request, I hasten to reduce the subject of our conversation, on the abolition of slavery in Mexico, to writing. I was, at the time of the ratification of the treaty of Guadalupe Hidalgo, the only person in this city who had any distinct or positive information on that subject. I gave to Senator CLARKE, of Rhode Island, translations of the Mexican laws upon the subject, viz: the decree of GUERRERO, the President of Mexico, dated 15th September, 1829, together with the subsequent decree of the Mexican Congress of 1837.

"The practical effect of the decree of GUERRERO, in the State of Vera Cruz, where I resided at the time, was the immediate emancipation of the few slaves who resided at that time in the State. The owners, together with their slaves, were, by order of the *gefe politico,* summoned to appear before the proper authority, upon which appraisers were duly appointed to affix a just value upon the slaves; who reupon a certificate was extended by the sub-commissary of the department, in which was set forth the amount which the owner was entitled to receive from the public treasury, in compensation for the slave or slaves liberated under the aforesaid decree. To the slave, thus manumitted, a document was given, setting forth the manner in which his or her liberty was obtained.

"The persons thus manumitted, by virtue of the decree of September 15th, were never again reduced to slavery."

I read this, because it was said by the Senator from Mississippi, [Mr. DAVIS,] that the decree of GUERRERO was never fully executed.

Mr. DAVIS. Does the Senator allude to me?

Mr. WALKER. I do.

Mr. DAVIS. Then the Senator misunderstands

what I said. I said, that undoubtedly some slaves were liberated under the decree of GUERRERO, but that it never was fully carried into effect, as an evidence of which is the fact, that the Mexican Congress passed a law in 1837 to carry it into effect.

Mr. WALKER. I may not have comprehended the remark of the Senator from Mississippi, and it now occurs to me that he did make some such remark. But we hear what was the effect of that decree, from a gentleman who was there, and who witnessed its operation. The decree, after the act which suspended it, was of course without effect, until further action on the part of Congress. That action took place in 1837, and the act then passed I will read. I ask the Senate's attention particularly to its phraseology. The history of the act might well accompany it, that it may be clearly understood.

In 1830, there was an act passed, which seems to have been to conciliate Texas, which declared that no change should be made within the colony of Texas in reference to slaves therein, but that the General Government and the State authorities must take care that the *colonization* law be fully executed in *future*. When we come down to the period of 1837, we know that Texas had persisted in her revolutionary course, one of her complaints being, the action of Mexico in regard to slavery. We know that she was then struggling for her independence, and that the exception, made in the act of 1837, was governed by the hostile position which Texas and the mother country by this time occupied toward each other. The act was passed the 5th of April, 1837, and is as follows:

"1. Slavery is abolished, without any exception, in the whole Republic.

"2. The masters of slaves manumitted by the present law, or by the decree of the 15th of September, 1829, (*Recopilacion* of that month, p. 213,) shall be indemnified for their value, (*del interes de ellos,*) according to the estimate which shall be made of their personal qualities; to which effect there shall be named a competent person (*un pe ito*) by the commissary-general, or whoever occupies his place, and another by the master; and in case of disagreement, a third, who shall be named by the respective constitutional alcalde, without any recourse from this determination. The indemnification of which this article speaks, shall not have operation with respect *to those colonists of Texas who may have taken part in the revolution of that department.*"

"3. The same owners to whom will be given gratis, the original documents of the valuation referred to in the anterior article, will present them to the Supreme Government, who will obtain that the general Treasury issue the corresponding bonds for value of the respective amounts.

"The payment of said bonds will take place in the manner which the Government may judge most equitable, conciliating the rights of individuals with the *actual state of the public funds.*"

The Senator from Mississippi remarks, in regard to this act; that it "was never carried out." "So far as I have been able to learn, the appraisement, which was a part of the law *with which it was to go into effect*, was never made, nor in any manner compensation rendered." I quote now the exact language of the Senator from Mississippi, and I would ask him how he knows this? It would seem to me that it is likely he is mistaken in this respect, as he certainly was to some extent in the other.

Mr. DAVIS. I do not mistake in either. I say that so far as I have been able to learn from those who were then there, and who have been there since, and who were connected with the Government, this appraisement was never made.

Mr. WALKER. Nor does the law depend upon it. The effect of a law, at once abolishing slavery, does not depend upon the contingency of the appraisement, or payment of a compensation at an indefinite time. As well might it be said that he who takes a promissory note for the sale of a horse, would have a right to retake the horse if payment was not made. The act abolishes slavery unqualifiedly, and that *abolition* is not made to depend on the payment or appraisement. The owners were to be paid, *when it was in the power of the Government to pay them*, but slavery was not the less unqualifiedly destroyed and abolished, if they were never paid.

Mr. BERRIEN. With the consent of the Senator, I will ask him how could a provision have been carried out for the appraisement of the personal qualities of the slaves, if they were liberated by the mere operation of this act?

Mr. WALKER. In the same manner as the personal qualities of a slave who had been shot, could be ascertained in a court of justice, investigating a case under the law of bailment or trespass. The slave might be in eternity, and yet there might be witnesses who knew his qualities, and could testify in regard to them. I presume there is scarcely a slave whose personal qualities are not known to somebody.

The Senator from Georgia [Mr. BERRIEN] has heretofore asked, if slavery was abolished by the decree of Guerrero, what slavery there was left to be abolished by the Mexican Congress? I answer, that my opinion is, the decree swept slavery from the soil, except in Texas; and that there was *none* existing. But that there might be no doubt as to the validity of the decree, and to remove its suspension, was a very good reason why the law was passed. There was a good reason for it, if Mexico intended that her soil should not be *trodden by the slave.*

We have, then, sir, got down to the act of Congress of 1837; and attention being bestowed upon these laws, it will be seen that they are as effectually prohibitory of slavery, as if the term prohibited had been used. The term is used in regard to the slave-trade, and the purport and effect of the act of Congress of 1837 is prohibition. It declares that slavery is abolished without any exception in the whole Republic. Now, sir, a thing which is abolished—a right which is destroyed—no longer exists. Can any right which is abolished be *ever* exercised against the act of abolition? Is it not a prohibition? But I will not stop here. I will come down one step further; and that brings us to 1843—to the Constitution to which attention was directed the other day by the Senator from Missouri [Mr. BENTON.] It declares as follows:

"That no one is a slave in the territory of the nation, and any introduced shall be considered free, and shall be under the protection of the laws."

Is any stronger prohibition than this desired? Can slavery exist there? Is it not effectually destroyed? Is it not effectually prohibited, if no one is a slave throughout the Mexican territory, and every one which shall be introduced is to be free, and be under the protection of the laws?

Mr. BUTLER. Suppose that this territory was conquered entirely by a nation of slaveholders, could they not, whatever might be the laws of the territory, carry their *property* there?

Mr. WALKER. I will endeavor to answer the gentleman, and inform him that the judiciary has decided that question against him, if he means *slaves* by the term "property." It has decided, sir, that those laws remain in force on this very point. I will refer him to no free-State authority, but to that of the Supreme Court of the United

States, and to decisions repeated over and over again in the slave States themselves, and particularly to Walker's Mississippi Reports, page 37, which I shall presently quote.

But I was remarking upon the prohibitory character of the Constitution of Mexico of 1843. If anything can be prohibitory of slavery, it is that which declares, that the moment the foot of the slave touches the soil, he is free. Is there any language upon which we can rest more securely than that of the common law, that the slave is free the moment his foot touches the soil of England? And will it be contended that a slave taken there continues a slave? I presume not. It will not do to consult the common-law writers of England on this subject. The contradiction is given too positively, and the proof too strongly, to be controverted.

In 1844 the Mexican Constitution was again amended; and, according to Waddy Thompson, a southern gentleman, and a late minister to Mexico, in a work written by him, entitled "Recollections of Mexico," this constitution declares, that "SLAVERY IS FOREVER PROHIBITED,"—(page 180.)

If four words can be found which could more effectually put out of existence slavery, or the right to hold slaves, I should like to have them pointed out to me. In regard to time, I can find no term which expresses more than "*forever*," or one stronger for the destruction of a right, than "*prohibited.*"

Here is a chain of legislation and governmental action on the subject of slavery, from a period of one year and eleven months after the Declaration of Mexican Independence, down to the year 1844; and you will find all her acts, wherever touching the subject of slavery, assuming language not to be mistaken. Point me to one of the free States which has abolished slavery, and show me the law which in the same strength of terms destroys slavery. It is not in Connecticut that a law exists so strong—and she is as much adverse to slavery as any other State. I believe there is no free State, except in those formed out of the Northwest territory, where the prohibition is so strong against slavery as in Mexico. Indeed, the language of the ordinance of 1787 itself is not so strong. What does that declare? That "there shall be neither 'slavery nor involuntary servitude, *except* for the 'punishment of crime;" but it declares that fugitive slaves *shall be surrendered.* There is no proviso of the kind in the Mexican law. The language is, that slavery is abolished, without exception, in the whole Republic. The constitution of 1843 is, that no slave exists in the Republic, and that slaves brought there shall be free from the simple fact of treading on Mexican soil. The Constitution of 1844 is, that "*slavery is forever prohibited.*" Compare that language with the ordinance of 1787, and you will find that the strength of terms is with the laws of Mexico.

Having given those laws, I now come to the question, and the great question which is here controverted, to wit: the effect of those laws upon this country, or rather upon persons going from this country into the territories acquired from Mexico.

I will here lay down a proposition of law: I hold it to be the law, both in this country and in England, that where a country acquired by conquest or cession has laws of its own, such laws continue and remain in full force until altered or repealed by the supreme power of the country making the acquisition, *except such laws only as are against the law of God, or incompatible with the Constitution or political law of the acquiring country.* Now, if this principle of law is controverted, I shall feel obliged, indeed, for the authorities against it. I have looked in vain for any, and I do not believe that any exist. If my position be correct, it settles the question, unless it can be shown that the slavery laws of the *States* are a part of the *political* law of this *Government.*

Mr. BERRIEN. Lest the Senator, by stating this proposition, should infer that the silence of the Senate was an acquiescence in it, I will make a remark. The proposition is, the laws of a country which is conquered or acquired, remain in force until they are repealed by the country making the acquisition.

Mr. WALKER. Except such only as are against the laws of God, or are incompatible with the Constitution or political laws of the country making the acquisition.

Mr. BERRIEN. The principle, as laid down by the writers of all nations, is, that the civil laws—those which control the conduct of citizens or subjects, in their intercourse with each other—remain in force until repealed; but the same authorities also assert that public or political laws cease to exist, *eo instanti*, upon the conquest or acquisition of the country. The question, then, for the Senator to discuss, is, what are *political* and what are civil laws?

Mr. WALKER. That is just what I am going to discuss; and I take the ground that the laws of Mexico to which I have alluded are *not of a political kind, or incompatible with our political law.*

I suppose gentlemen will concede that all the political laws we have are to be found in the Constitution, and those acts of Congress which were intended to carry out its provisions. Whether the authority of the Supreme Court will be considered good on this subject of slavery, or not, I will not undertake to say; but certain it is, that whatever the writers upon the law of nations may have affirmed in reference to this question, the Supreme Court has decided it against those gentlemen who claim the right to take their slaves to California. The first case to which I shall refer, is that of the UNITED STATES *versus* PERCHEMAN, in the seventh volume of Peters's Reports.

It is claimed by gentlemen here, that by virtue of the acquisition of the territory, the laws abolishing or prohibiting slavery were abrogated. The Supreme Court says, (pp. 86, 87,) in the case before me:

"It may not be unworthy of remark, that it is very unusual, *even in cases of conquest*, for the conqueror to do more than to displace the sovereign, and assume dominion over the country. The modern usage of nations, which has become *law*, would be *violated;* that *sense of justice and of right*, which is acknowledged and felt by the whole *civilized* world, would be *outraged*, if private property should be generally confiscated, and private rights annulled. *The people change their allegiance—their relation to their ancient sovereign is dissolved;* but their *relations to each other*, and their rights of property, remain undisturbed. If this be the modern rule, even in cases of *conquest*, who can *doubt* its application to the case of an *amicable cession of territory.*"

In this case, sir, though the court decided the general principle, the case itself was one which related to property. PERCHEMAN claimed title to land, under a grant from the Governor of Florida, under authority from the King of Spain. It was contended, sir, precisely as it is contended here, that when Florida was acquired by this country, the laws and grants then existing in Florida were abrogated. The Supreme Court says, no; the

people only change their allegiance—the relation between them and the sovereign is dissolved, while the rights of property, and their relations to each other, remain as before.

But I will now refer to a decision that does not concern the rights of property, but which relates to the provisions of the law of salvage. Now, if the laws of Florida were abrogated by the cession, would not the salvage laws be abrogated as well as other laws? Can gentlemen draw the distinction? Not at all, sir. If gentlemen say that, because the laws relating to the institution of slavery are *recognized* by the Constitution, they become a part of the political law of the land, which abrogates the local law of the territory when annexed, why is not a commercial law a part of the same political law? for certainly the institution of commerce is not only *recognized*, but its whole regulation is embraced *exclusively*, by the Constitution. If they claim that the anti-slavery laws of Mexico become abrogated, on the acquisition in California and New Mexico, why not claim that the commercial law of salvage becomes abrogated also? Now, here is a decision which declares that the law relating to salvage remained in force after Florida was annexed to this country. The court says:

"The usage of the world is, if a nation be not entirely subdued, to consider the holding of conquered territory as a mere military occupation, until its fate shall be determined at the treaty of peace. If it be ceded by the treaty, the acquisition is confirmed, and the ceded territory becomes a part of the nation to which it is annexed, either on the terms stipulated in the treaty of cession, or on such as its new master shall impose. On such transfer of territory, it has never been held that the relations of the inhabitants with each other undergo any change. *Their relations with their former sovereign are dissolved*, and new relations are created between *them* and the *Government* which has acquired their territory. The same act which transfers their country, transfers *the allegiance of those* who remain in it; and the law, which may be denominated *political*, is necessarily changed, although that which regulates the *intercourse and general conduct of individuals, remains in force until altered by the newly-created power of the State.*"—*1st Peters's Sup. Ct. Reps., page* 542.

Again:

"It has already been stated that all the laws which were in force in Florida, *while a province of Spain*—those excepted which were *political* in their character, *which concerned the relations between the people and their sovereign*—remained in *force until altered* by the Government of the *United States*. No laws *could* then have been in force, but those enacted by the *Spanish Government.*"—*Same case, page* 544.

This, sir, goes to the full extent of the doctrine for which I contend. It declares what the political law of this country is—what the political law of *every* country is: that it regulates the relations between the subject and the sovereign—between the Government and the citizens; and that all other laws remain in force in the conquered or ceded country, until repealed, altered, or amended by the country making the acquisition.

Mr. BERRIEN. Will the honorable Senator allow me to remind him, that the law to which he refers was continued in force by the act of Congress creating a territorial government for Florida? I refer to the act of 1822.

Mr. WALKER. I do not controvert what the Senator from Georgia says, if he means only that the act of 1822 *declared* the laws of Spain *to be in force*. But if he means to say that the act *enacted them into force*, I do controvert it.

Mr. BERRIEN. The court says, that the laws in force there were the laws of Spain.

Mr. WALKER. Just so.

Mr. BERRIEN. I affirm that the laws of Spain were in force there by the act of Congress, which organized a territorial government—the act of 1822.

Mr. WALKER. There, sir, we are at issue.

Mr. BERRIEN. Will the honorable Senator allow me to read from the act of 1822?

Mr. WALKER. Certainly.

Mr. BERRIEN. The provision is this:

"That the laws *in force* in said territory at the time of the passage of this act, and which are not inconsistent with the provisions thereof, shall *continue* in force until altered, amended, or repealed, by legislation of Congress."

Mr. WALKER. Suppose that be so, sir; then ——

Mr. BERRIEN. Then the continuance of the Spanish laws which *were in force* in Florida at the date of that act, is provided for by the act. Now, I want to say one word more—and that is, if the Spanish laws would have continued in force without such provision by act of Congress recognizing them, why were they specially *reënacted* by this act? If this act was not necessary to give validity to the Spanish laws—if they continued in force, and would have continued in force without that act—why were those laws deliberately *reënacted?*

Mr. WALKER. They were not reënacted. The act was merely a *declaratory* act, in reference to laws that *were in force*, and would have remained in force without it. The act *acknowledges* them to be in force, and not to have been abrogated by the cession of Florida.

Mr. BERRIEN. If they would have continued in force without it, where was the necessity for its passage?

Mr. WALKER. Well, did the act put in force any that were *political* laws? for the Senator only contends that such were abrogated. No, sir; it declares that the laws *then in force* should continue in force. It does not put any in force; it merely admits that they *are in force;* and that is the very position that I take. And not only the judicial decisions have said so, but the Senator himself has said so, if he adopts the language of that act

Mr. BERRIEN. My proposition, if the Senator will allow me, is, if these laws would have been in force without the provisions of that act, where was the necessity for passing it?

Mr. WALKER. I have answered that already, about a dozen times. It declares the truth of my position, and admits that the laws of Spain *were in* force, and declares simply that, being *in force*, they should continue so. If they were in force, as the act admits, pray *when* would they have ceased to be in force without the act? Annexation had already taken place. It is evidence in favor of my position, and not of the Senator's. I tell him, again, the act was declaratory and supererogatory.

But, sir, I will now quote a case decided in a slave State—in the State of Mississippi—where the principle of law I have laid down was decided in a case where slavery was the question directly involved. The case goes even further than the Supreme Court has gone. I will ask the attention of the Senator from Mississippi [Mr. Davis] to it. The court says:

"The facts in this case are not controverted; that the three negroes *were slaves in Virginia;* that in 1784 they were taken by John Decker to the neighborhood of Vincennes; that they remained there from that time until the month of July, 1816; that the ordinance of Congress was passed in the month of July, in the year 1787; and that the constitution of the State of Indiana was adopted on the 29th June, 1816."

"These are the material facts; but the law arising out of the ordinance *treaty of cession of Virginia* to the United States of that district of country, and the *Constitution, is controverted.* To clear away the difficulties arising from extraneous matters, and to place the grounds of this opinion

plainly before the court, a short history of the country will be necessary. The country was within the *chartered limits of Virginia;* but from the year —— until the peace of 1763. it was subject to, and claimed by, *France.* By the peace of 1763, it was ceded to *Great Britain.* It will appear, by reference to the proclamation of General Gage, in 1775, and to the acts of Col. Wilkins, in granting lands as Governor of Illinois, that it was under a government distinct and separate from the then colony of Virginia. During our revolutionary war, it was *conquered by the arms of Virginia;* but there has been exhibited no evidence to show that *the laws of Virginia were ever extended to that country after its conquest,* or that Great Britain, after the treaty of 1763, by which she obtained it, ever changed the laws then existing in the province. I have carefully examined the acts of Virginia, and can find no *provision extending its laws to that district of country.*"

Now, bear in mind, this is the conquered territory of Virginia. Had Virginia the right to take slaves into that territory? What says the court?

"I think, then, that it is *undeniable* that the laws, as they existed while it was a province of *France,* were the municipal laws of the country."

Here the court ran through three stages to get at the law. Well, sir, here is a further dictum in this case:

"From the facts, authorities, and reasons advanced, these consequences result: that, as conquered countries, they were subject to such laws as the conquerors chose to impose; *that the Legislature of Virginia, not making any change in their laws,* the ancient laws remained in full force; and that the 'titles, possessions, rights, and liberties' guarantied, were those they enjoyed prior to the conquest, the *'lex loci,' not as citizens of Virginia,* but as a provincial appendage."

Sir, this decision grants that for which I am contending. The South asserts that, under the Constitution, she has a right to take slaves into these new territories, notwithstanding the laws there prohibit slavery. Yet, sir, her own courts decide that she may not take them. What becomes of the claim? It is worth nothing—it falls to the ground by virtue of her own judicial authorities; for this same case decides also that *the Constitution has nothing to do with the matter.* The court says: "Why, we are told it is inconsistent 'with the Constitution of the United States." "*The 'Constitution of the United States has nothing to do 'with the question.*"

Mr. DAVIS, of Mississippi. I would remind the Senator from Wisconsin, that we never fall into greater error than when we attempt to run a parallel with diverging lines; and I consider that the Senator has fallen into a similar mistake, in citing the case to which he has alluded, as bearing upon the subject in hand. He is surely a lawyer, and one of sufficient acuteness, it would appear to me, to distinguish between the case decided in Mississippi, concerning the laws in Virginia, which he has quoted, and that of taking slaves into California. The case in Virginia was one where she had sovereignty before the foundations of the Constitution were laid.

Mr. WALKER. The Senator from Mississippi always speaks so very positively——

Mr. DAVIS Because I am very certain.

Mr. WALKER. The Senator, as I was saying, always speaks so positively, and with an air —I say it with no disrespect—which seems to say, "Nothing more can be said"—"I know it all"—"it must be as I think." It is true, sir, that in the case which I have read, the slaves were taken to Indiana before the Constitution was adopted; but so much the worse for the Senator's logic. Virginia was then a slave country—the territory was hers—the slaves had been taken from Virginia, and not even the ordinance of 1787 was yet in the way; yet the court of the Senator's State passed through the sovereignty of *Virginia and England* to that of France, and decided the case under the laws of the latter; and herein lies the answer to the Senator from South Carolina, [Mr. BUTLER,] when he puts the case of a territory conquered by a nation of slaveholders.

But I will now take another case—one where the slave was taken to Indiana, in 1807, after the adoption of the Constitution. I will read it, as appropriately bearing upon the question before us; and I think it knocks the very brains out of the argument of the Senator from Mississippi, [Mr. DAVIS.] I read from the case of Rankin *vs.* Lydia, 2 Marshall's Kentucky Reps., p. 470:

"Lydia was born a slave in Kentucky, in the year 1805, and belonged to John Warrick, a citizen of this State, who removed hence, in the year 1807, to the late territory of Indiana, where he settled, shortly after the 17th of September of that year, together with Lydia and her mother, whom he took with him, and whom he kept till the 6th of December, 1814, when he sold his right to Lydia, in that territory, to Thomas Miller, likewise a resident there, who sold her to Robert Todd, a citizen and resident of Kentucky, *who brought her to Kentucky,* and sold her to John W. Rankin, the defendant below, now plaintiff in error, who still holds and claims her as a slave for life, she being a person of color, and he having had knowledge, when he purchased her from Todd, of the foregoing facts."

On this state of the case, the court says, (the issue being on the freedom of Lydia:)

"In deciding this question, we disclaim the influence of the general principles of liberty which we all admire, and conceive it ought to be decided *by the law as it is,* and not as it ought to be. Slavery is sanctioned by the laws of this State, and the right to hold them under our *municipal* regulations is unquestionable. But we view this as a right existing by positive law of a *municipal [mark you, not political]* character, without foundation in the law of nature, or the unwritten and common law. If, by the positive provisions in our code, we can and must hold our slaves in the one case, *and statutory provisions equally positive decide against that right in the other, and liberate the slave, he must, by an authority equally imperious,* BE DECLARED FREE."

In this case, sir, it will be found that the slaves were taken to the Indiana territory *under local laws permitting it;* and yet the court decided that the slaves became free. It is true, the court decided they became free by virtue of the ordinance of 1787; but that was nothing more than a local law for the territory, *forbidding slavery.* Now if, as is contended here, the Constitution makes slavery a *political* institution, it would have overridden the local law of the territory, as it is now contended it does the local law of California and New Mexico. But the court decided otherwise; and so it would in the present case; for I have certainly shown that in California and New Mexico there is quite as strong a local law against slavery.

It is claimed, Mr. President, that the slave laws of the United States *are* of a political character. All the slave laws of the UNITED States, of this kind, are to be found in the Constitution. Now, in what respects are *they* found? Certainly in but three. One is, that provision in the Constitution which regulates the computation or enumeration of the people as a basis of representation. Now, sir, when is that provision of the Constitution fulfilled? Why, when we *include three fifths of the slave population, in fixing a basis for representation.* But, again, in regard to direct taxation, how is that fulfilled? Why, of course, by enumerating three fifths of the slave population, in forming a basis of apportionment of taxes, when we shall resort to direct taxation. Here the operation of the Constitution ends, as well as our duty under it in this respect. The other provision is in regard to fugitive slaves. This is fulfilled whenever the States (or Congress) make provision for the extradition of fugitives. Here, too, the operation of the Con-

stitution ends in this particular, as well as our duty under it. What, sir, is there in either of these provisions, or all together, which gives this institution of slavery any of the features of a political law of this country? Nothing. Under our allegiance, we are bound only to the enumerations I have mentioned, and to the enactment of extradition laws. Here our oaths and our allegiance to slavery end. This our allegiance to the Constitution binds us to do; but, sir, does it consequently follow that, because we fulfill these obligations of the Constitution throughout our Union, in conformity with our oaths, our allegiance also binds us to suffer slavery to override, not only the laws of Mexico existing in these territories, and plant itself where it does not exist, but also the power of this Government to prevent it? Unless this be so, slavery is no more a *political* institution than a navy yard. We have duties to perform to both; but we are no more bound to the one than the other to spread it, or to suffer it to spread itself everywhere in newly-acquired territory. We fulfill our duty to this Union and to slavery in the particulars I have mentioned. We have nothing further incumbent upon us to perform in relation to the subject. If the Constitution requires of us the performance of any other duty to slavery, it is to discountenance it, which view is developed in a decision made in Louisiana. I will read an extract from the decision which declares it—(Martin's Louisiana Reports, volume 2, pages 403 and 404.) In speaking of the Constitution, the Judge says:

"This instrument declares that 'no person held to service 'or labor in one State, under the laws thereof, escaping into 'another, shall, in consequence of any law or regulation 'therein, be discharged from such service or labor.' Hence the implication is strong, that such persons who do not escape, but whose owners voluntarily bring them, may be discharged by the laws or regulations of the State in which they are so brought; *for if this could not be so, of what use would be the prohibition?*"

I think the application is plain, sir, that only when a slave has escaped has his master the right to recapture him; that when voluntarily taken from under *laws* which tolerate slavery, to jurisdictions which do not, the slave is free; and that we are not bound to legislate in favor of slavery anywhere, *except when it escapes*, but ought to discourage it in every place to which it is proposed to take it voluntarily.

I come now to another branch of this argument. It is claimed by the South, that her citizens have the right to take their slaves to the territories *as property, on an equality with other property.* The highest claim for this right is that which asserts that slavery is based upon the law of nature and of God; thus placing the right to slave property on the foundation of all other property. It is thus put by the Senator from Mississippi, [Mr. DAVIS:]

"It is enough for me, that here we are not called upon to legislate either for its amelioration, or to fix the places in which it shall be held, and certainly have no power to abolish it. It is enough for me elsewhere to know, *that it was established by decree of Almighty God, that it is sanctioned in the Bible, in both Testaments, from Genesis to Revelation,* that it has existed in all ages, has been found among the people of the highest civilization, and in nations of the highest proficiency in the arts."

I answer, that slavery is a purely *local* institution; that it has no foundation in nature, or support in the laws of God; that it exists, and can only exist, by virtue of the local laws of the States.

I will read, as authority on this point, from the same Mississippi case already quoted, (page 42.) The court says:

"Slavery is condemned by reason and the laws of nature. *It exists, and can only exist, through municipal regulations.*"

Here is another case in the same State, where the same point is decided. It is the case of the State of Mississippi *vs.* Isaac Jones, (Walker's Reps., 86.) The court decides that

"The right of the master exists, *not* by force of the law of nature or of nations, but by virtue *only* of the *positive law of the State.*"

Here are two direct contradictions, from his own State, of the Senator's assertion, that the institution is founded on the law of nature and of God.

Mr. DAVIS. I take my argument from the Bible.

Mr. WALKER. I was not quoting from the Bible, although I think that holy book would be found but a poor support of slavery, if the following be its true condition—the description of which I find in another case in the State of North Carolina, (2 Dev., 266:)

"The *end* is the profit of the master, his security, and the public safety; the *subject* one *doomed*, in his own person, and his posterity, to live without knowledge, and without the capacity to make anything his own, and to toil that another may reap the fruit. * * * Such obedience is the consequence only of uncontrolled authority over the body."

The Bible tells me that God gave to man dominion and "uncontrolled authority over the bodies of beasts," but not over the bodies and *minds* of his fellow man.

But to get back to the law, and the legal view of the foundation of slavery. The next authority which I read is from 2d Martin's La. Reps., 402 and 403:

"The relation of owner and slave, is, in the States of this Union, in which it has a legal existence, *a creature of the municipal law.*"

My next authority, is the case in 2d Marshall, quoted before for another purpose:

"Slavery is sanctioned by the laws of this State, [Kentucky;] and the right to hold them under our *municipal* regulations is unquestionable. But we view this as a right existing by positive law of a *municipal character, without foundation in the law of nature, or the unwritten and common law.*"

If these decisions do not sufficiently controvert the Senator's position, of the natural or divine property foundation of slavery, let us try again. I quote again from the North Carolina case. The language is strong, but I read it in no offensive sense to the Senator from Mississippi. After speaking of the condition of the slave, as before read, the court says, (2d Dev., 266:)

"What moral considerations shall be addressed to such a being, to convince him of what it is impossible but that the *most stupid must feel and know can never be true*, that he is thus to labor *upon a principle of natural duty*, or for the sake of his own personal happiness."

This, sir, is a decision of the court of a slave State; and when gentlemen claim here that the institution of slavery is founded on the law of God and nature, I beg leave to refer them to the opinions of the judiciary of their own States. They are supposed to give their opinions dispassionately and impartially, without reference to the passions or feelings of men, and with an intimate knowledge of what slavery is. This judge depicts in terms so bitter the institution of slavery, that if any northern man were to use similar words here, he would be called *fanatical.* This same judge was at the time deciding the pinciple that to shoot and kill a slave, and a woman, too, was not murder—nay, not even an assault and battery. That, sir, was in 1829—the same year and about the same day that the poor, denounced usurper GUERRERO

issued his decree for the abolition of slavery in Mexico. I do not say it by way of reproach, but it is a strange coincidence.

Mr. DAWSON. Does the Senator say that is consonant with the law of North Carolina?

Mr. WALKER. The principle is decided in this case that such is the fact.

Mr. DAWSON. But the law is not so now.

Mr. WALKER. I am happy to hear it. I quoted this simply for the purpose of showing that it had been denied in the most solemn manner that the institution of slavery or the right to hold slaves existed in the laws of nature or of nature's God. The case I referred to was the case of the State *vs.* Mann, and, as reported, is as follows:

"The defendant was indicted for an assault and battery upon LYDIA, the slave of one ELIZABETH JONES. On the trial, it appeared that the defendant had hired the slave for one year; that during the term the slave had committed some small offence, for which the defendant undertook to chastise her; that, while in the act of so doing, the slave ran off, whereupon the defendant called upon her to stop, which being refused, he shot at and wounded her. A verdict was returned for the State, and the defendant appealed."

In the court above, the doctrines were held as I have asserted, and the judgment of the court concludes:

"Let the judgment below be reversed, and judgment entered for the defendant."

Mr. BADGER. If the Senator will allow me, I will state, that in North Carolina, it is held undoubtedly, by the judgment of her highest tribunals, that, by the common law of North Carolina, the homicide of a slave is an offence, either murder, or manslaughter, or excusable homicide, just as it is in regard to the killing of free persons.

Mr. WALKER. I have read what the case was. Being indicted, the prisoner was convicted; he took an appeal to the court above; the *court set him at liberty*. After describing what slavery is, as I before read, the court goes on to say:

"Such services can only be expected from one who has no will of his own—who surrenders his will in implicit obedience to that of another. Such obedience is the consequence only of uncontrolled authority over the *body*. There is nothing else which can operate to produce the effect. The power of the master must be absolute to render the submission of the slave perfect. I most freely confess my sense of the harshness of this proposition—I feel it as deeply as any man can. And as a principle of moral right, every person in his retirement must repudiate it. But in the actual condition of things, it must be so. There is no remedy. This discipline belongs to the state of slavery. * * * * We cannot allow the right of the master to be brought into discussion in the courts of justice. * * It will be the imperative duty of the judges to recognize the full dominion of the owner over the slave, except where the exercise of it is forbidden by statute."

This gives to the master absolute dominion over the body of the slave.

Mr. DAWSON. I think the honorable Senator does great injustice to a large section of this country, by saying that the killing of a negro is not a criminal offence.

Mr. WALKER. I said that the *principle* had been decided by the Senator's courts.

Mr. DAWSON. The shooting and killing of a negro is as much a crime, as the killing of any other individual. It is so considered in every State. There is scarcely any difference made between the killing of a white person and the killing of a slave; and it is wrong that a contrary impression should be made upon the public mind by a statement so inconsistent with what is the fact.

Mr. WALKER. I am glad to hear the explanation. This decision to which I have referred may be incorrect—it may not be law.

Mr. DAWSON. If the Senator will read the case entirely through, he will find that it goes upon an entirely different principle from that which he supposes.

Mr. WALKER. It appears from this decision that a master has unlimited control over the *body* of a slave.

Mr. DAWSON. It gives him no power to detroy a slave, as in ancient Greece and Rome. An act which deprives a slave of life is placed upon the same footing as that which takes away the life of a free person.

Mr. WALKER. I am very glad to hear that such is the law now.

Mr. BUTLER. The dominion of a master over his slave is something like the control of an officer over a soldier. The officer, I presume, could be indicted for killing with malice aforethought; and in all cases of which I have any knowledge, it is held to be murder where a master, with malice aforethought, takes the life of his slave; but as the Senator from Georgia says, the master, having the absolute control over the slave, has a right, if he escapes, to arrest him; and, if he resists, he has a right, as the officer would have a right in regard to a soldier, to cut him down with the sword. And but for some power of this kind, I suppose we could scarcely control our slaves; but it is very rarely that a master has been indicted for killing a slave. Where a slave has been killed, it has usually been by some irresponsible person, or by the agency of some person who is a stranger to the domestic government of the slave. It is extremely rare that a master is charged with killing his own slave, and still more rare is it that he is charged with killing a slave born in his own family.

Sir, the relation between the master and slave is not fully understood in the non-slaveholding States. There is a degree of feeling on the subject that would revolt at anything of the kind. I know that in the case that has been quoted from North Carolina, there was a man who hired a slave, and the slave attempting to escape from his dominion, he very foolishly shot the slave. Nevertheless, the master was indicted for thus shooting him—indicted for homicide.

Mr. CHASE. He was indicted for assault and battery.

Mr. BUTLER. Was the negro killed?

Mr. CHASE. Not at all.

Mr. BUTLER. Oh, well! the impression was made on my mind that the man shot the negro down. I suppose he shot him with small shot, and did not hurt him much. [Laughter.]

Mr. WALKER. I do not know what kind of shot she was shot with, or with what kind it is permissible to shoot slaves.

Mr. DAWSON. I would merely observe, sir, that if these things are read by the Senator from Wisconsin, for the purpose of showing the want of humanity on the part of the slaveholders of the South, he is doing them great injustice. It is not true in point of fact. I know the Senator from Wisconsin does not make the charge.

Mr. WALKER. Certainly not.

Mr DAWSON. But the tendency of his observations will be to create that impression. The working of the system ought to be understood throughout the country, as it is understood at home. I am no more responsible for the evils which may arise from it, than the gentleman before me; but as a man, as a Christian, as a philanthropist, I have only to make the best of the institutions around me; and it is unkind and ungenerous for those who are

not acquainted with the institution, to cast an unfounded imputation upon us. The great difficulty is, that they intermeddle with that which they do not understand. You may discuss the abstract question of slavery, if you please; but when you come down to discuss the private relations, the social equality, kindness of feeling, and humanity, which exist between master and slave, then you intermeddle with an institution that has been approved by your ancestors, as well as mine—you interfere with a matter which affects the sensibilities of us all: there you must stop, because those are responsibilities that are personal in their character—they are responsibilities that we feel not merely as citizens, but as Christians, as patriots, as philanthropists. We have the right to control and manage our slaves, and we are wielding that right for the best and most humane purposes; and if you would leave us alone, we would carry it on in a way not to affect your consciences, and I trust in God not to increase any excitement which may have been produced heretofore.

Mr. WALKER. After this long episode, sir, I will again repeat that I quoted this decision for no such purpose as the Senator from North Carolina supposes. I quoted it to show that this institution was neither a political law of the land nor a species of property based on the laws of nature or of nature's God; and it is the language of the learned Judge on the subject of slavery, that Senators must deprecate, not mine; for I used none with reference to that question in the way complained of. I was speaking, when interrupted—or rather was instituting a comparison between what *this learned Judge*, not the people of North Carolina, had done, and what GUERRERO had done. If anything else has come out, it has been extorted by interruptions. But I must again refer the Senator from Mississippi to the decision in the case, of his natural or divine foundation for slavery.

Mr. DAVIS. The Senator has just made some remark I do not exactly understand—some personal allusion.

Mr. WALKER. I think not. I merely called the Senator's attention to what I read.

Mr. DAVIS. Why read it so particularly to the Senator from Mississippi?

Mr. WALKER. Because it has a bearing by way of reply to his argument.

Mr. DAVIS. Does the Senator mean to read it to me as an answer to my argument?

Mr. WALKER. I read it in order to show that the institution of slavery is not supported by the law of nature, as the Senator had claimed.

Mr. DAVIS. But I ask whether the Senator means to adopt that language and apply it to me?

Mr. WALKER. By no means. I read it as the statement of the Judge; and I so stated half an hour since. If the gentleman will pay due attention to my remarks, he will find that I will give no reasonable cause of offence. When I do, it will be for a greater cause than the Senator has given me yet; and when I do, I shall mean it, and be understood without questioning. If the Senator understood me as applying the term "stupid" to him, he was entirely mistaken. I disavowed that long ago.

[Without concluding, Mr. WALKER gave way for a motion to adjourn.]

IN SENATE, *Friday*, *March* 8, 1850.

Mr. WALKER resumed and concluded as follows:

Mr. PRESIDENT: I come now, sir, to treat of this question in some of its more general features. It is contended upon general principles, by our friends of the South, that under the general law of the equality of property, they have the right to enter the acquired territories, and to take with them their property in the same manner that the citizens of other States have the right to take theirs. Without going at any great length into this subject, I think there are in this many fallacies which might easily be exposed. The principal fallacy is this: that the right to the involuntary servitude of the slave is not, as claimed, (as I have shown by the judicial authorities of the slave States,) a natural or universal right. It is not a right according to the law of nature, or according to the unwritten common law. This brings us, then, to the conclusion, that slavery is a local institution, peculiar to the States in which it exists. It has no *extra* territorial influence or extent whatever; and when our friends claim the right to take their slaves to California and New Mexico, or to any other territory of the United States, they are claiming nothing more nor less, as has been frequently remarked in Congress, than the right to take their local laws or local institution. I do not—I cannot—see how they are to decide among themselves which of their local institutions are to go. Are they to be the local institutions of the States in which the slave is made a part of the realty—where the slave descends with the real estate? or is it the institutions of a State where he is mere personal property? Is it to be the institutions by which the slave is amenable to one code of criminal laws, or where another code of criminal laws exists. These are difficulties to be settled among themselves; and it brings me to this conclusion, that any one of the free States might just as well claim to have its institutions carried there, as the South. There are States which have institutions of as peculiar a character, perhaps, as the institution of slavery—using the term "peculiar" as applied to that which is confined to a particular locality. Take the great State of New York: she has an institution in which she has property of as much pecuniary value invested, as any slave State has in the institution of slavery—I allude to her general banking institution. Should we not think it an enormity—would not the South think it an absurdity—if the State of New York should claim that she had a right to go with her banking property into the territories of the United States, merely because that was her property in her own State? Would it not be an enormity if New York, not being permitted to do this, should be continually threatening, both in and out of Congress, to dissolve the American Union? But gentlemen of the slave States seem to be unwilling to recognize the local institutions of their sister States, while they claim that theirs shall be recognized to the fullest extent. I deduce from this the argument, that the Constitution of the United States, in regard to slavery, no more overrides and abrogates the laws of California, which existed at the time of the acquisition, for the benefit of slavery, than for the benefit of the banks of New York, or of the lotteries of some other States of this Union. If it overrides and abrogates the laws in favor of slavery, it must override and abrogate them in favor of free schools, banking institutions, lottery institutions, and other institutions of various States in the Union; for as matters of property—as matters of private and public right—they are just as much recognized by the Constitution, as the institution of slavery, and a great deal more; for they do not

require the Constitution of the United States to impose upon Congress or the States the injunction to surrender their property; but it must be surrendered as a species of property, existing by virtue of the laws of nature, or the common law, if you please, under the general comity of nations, without any constitutional guaranty for the purpose. They stand, then, upon a broader basis—a firmer basis—than the institution of slavery, except in the local district where it exists.

I was really surprised to hear the Senator from Mississippi, [Mr. DAVIS,] and other Senators, quote the correspondence between Mr. Trist and Mr. Buchanan, to prove that slavery existed by the laws of Mexico. If that correspondence proves anything, it proves conclusively that slavery was then abolished, and did not exist by law. Let us turn our attention to the language of the extract which has been read:

"Among the points which came under discussion, was the exclusion of slavery from all territory which should pass from Mexico. In the course of their remarks on the subject, I was told that if it were proposed to the people of the United States to part with a portion of their territory, in order that the *inquisition* should be therein *established*, the proposal could not excite stronger feelings of *abhorrence* than those awakened in Mexico by the prospect of the *introduction of slavery* in any territory parted with by her. Our conversation on this topic was perfectly frank, and no less friendly; and the more effective upon their minds, inasmuch as I was enabled to say, with perfect security, that although their impressions, respecting the practical fact of slavery, as it existed in the United States, were, I had no doubt, entirely erroneous, yet there was probably no difference between my individual views and sentiments on slavery, considered in itself, and those which they entertained."

Now, sir, if we owned a portion of territory in which the inquisition *existed*, and were about to cede it to another power, would it excite any very strong feeling of *abhorrence* that is was to be *introduced* there? Not at all. Why, then, did it excite abhorrence in Mexico that slavery might be introduced into the territory, but for the consideration that slavery had been there *abolished*, that the chains had been taken off, and the slaves been rendered free? Abhorrence was excited lest it should be *introduced*. A proposition to allow it to remain, if it *existed*, would have excited no abhorrence at all. They feared that slavery would be *introduced* when the territory passed from under the free government of Mexico. And this is the correspondence brought to show that slavery did, in fact, exist! If it did, it was folly for the Mexican commissioner to speak of any abhorrence to be excited.

If I was surprised at this, I was somewhat amused, after the Senator from Mississippi had spent so much time in proving that slavery did *exist* by law in California, that he should, on the second day of his speech, go on to show how much Mexico had been degraded *since the abolition of slavery* in that country. He speaks thus:

"I therefore deny, what is affirmed by the Senator from Kentucky to be his second truth, and claim, in evidence of that denial, that the produce of Mexico, *when slavery existed there*, was far beyond what it is at present. * * * Mexico has, *since the abolition of slavery*, so sunk into her present impoverished condition, that, to derive money for her support, she sold her territory to the United States; and it is proof that cannot be denied of the value of the institution of slavery in a soil and climate like hers."

This sounded to me very much like unsaying all the Senator had said.

If the position of things is as I have stated—if slavery, and the slave-trade, have been abolished—if slavery, and the slave-trade, have been prohibited, and that, not only according to the decision of the Supreme Court, but of the courts of the slave States themselves, those laws of abolition and prohibition are now in force—what is the state of things that we arrive at? The Senator from Mississippi answers the question, when he makes use of the following language:

"Why, sir, what choice is there between this and the Wilmot proviso? I, for one, would prefer the Wilmot proviso. I demur, sir, after the House had killed the Wilmot proviso, against any claim to a dukedom for him who brings the lifeless corpse into the Senate, and least of all have I any thanks to return to the Senator from Illinois, for the ground which he says he has assumed among his constituents, in opposing the Wilmot proviso—that it had no application, because slavery being already excluded from the territories, it was wholly unnecessary to prohibit it by new enactment.

"Sir, I prefer the Wilmot proviso to that position: I prefer it because the advocate of the Wilmot proviso attempts to rob me of my rights, while acknowledging that, by the admission, it requires legislation to deprive me of them. The other denies their existence."

I agree with the Senator from Mississippi, perfectly, that the Wilmot proviso is better for him, but for a very different reason from the unkind one which he gives. It is not because the Wilmot proviso would rob him of anything, for one cannot be robbed of what he has not, but because it assumes the burden of the affirmative by those who would restrict slavery, while my position and doctrine would throw the affirmative on those who would extend it. The Senator from Virginia [Mr. MASON] seems to have anticipated the necessity for taking the affirmative, when he spoke the following:

"I do not mean, sir, to detain the Senate by a discussion; but I deem it my duty here, at the very outset, to enter a very decided protest, on the part of Virginia, against such a principle of law. It would take away the whole ground at once that our people rest upon."

Precisely so; I said the same thing to my constituents; but corrupt politicians and hireling presses had got up such an infernal hubbub about me, that I was not believed. Perhaps the Senators from Virginia and Mississippi may be more successful.

The position of the South last winter was more magnanimous than now, and was met upon my part with a corresponding magnanimity. They only asked that the matter should be left to the Constitution of the United States. The proposition I offered, extended the Constitution to that country. I took them at their word. They contended that if the Constitution was extended there, the right to take and hold slaves there would be extended also What would have been the effect, is not for me to determine; but the judiciary of the country seems to have settled it pretty conclusively. I believed, sir, at the time, that what the North required was, that the condition of things in New Mexico and California should remain as it was. The South were content with that. Upon that we met—upon that we voted. It turns out, sir, that the position which I viewed myself as standing in, was a stronger one than if the North had assumed the affirmative, and proposed to vote the prohibition into the territories. My gratification is unbounded to find myself now sustained by the great statesmen and jurists from Kentucky and Missouri, [Messrs. CLAY and BENTON,] as well as many others; and by the unwilling admissions of the distinguished Senators from Virginia and Mississippi, [Messrs. MASON and DAVIS.]

The Senator from Mississippi has given his views, as to the causes which are to lead to the close of our career, and have already led to the dissatisfaction between the two extremes of our Republic He says:

"But, sir, if this last chapter in our history shall ever be written, the reflective reader will ask, whence proceeded

this hostility of the North against the South? He will find it there recorded, that the South, in opposition to her own immediate interests, engaged with the North in the unequal struggle of the revolution. He will find again, that when northern seamen were impressed, their brethren of the South considered it cause for war, and entered warmly into the contest with the haughty power, then claiming to be mistress of the seas. He will find that the South, afar off, unseen and unheard, toiling in the pursuits of agriculture, had filled the shipping, supplied the staple for manufactures, and enriched the North. He will find that she was the great consumer of northern fabrics—that she not only paid for these their fair value in the markets of the world, but that she also paid their increased value, derived from the imposition of revenue duties. And, still further, if he seeks for the cause of this hostility, it at last is to be found in the fact, that the *South held the African race in bondage*, being the descendants of those who were mainly purchased from the people of the North. *And this was the great cause.*"

If ever the historian writes that as the cause of the difficulty, I need no stronger proof than I can produce from the lips of the Senator from Mississippi himself, that it will be manifest injustice to the North. He says, in his speech of January 29:

"And that I may be understood upon this question, and that my position may *go forth to the country* with this so-called compromise, *I here assert, that never will I take less than the Missouri compromise to the Pacific ocean, with a specific admission of the right to hold slaves there* until they have been admitted into the Union. I will never consent to any proposition—I forbear a conclusion that I thought of making."

What that conclusion was to be, I know not; but we have heard in both houses of Congress this conclusion to such sentiments, that "the South 'will not submit to such proceedings:" that "she 'will resist to the last extremity, and at all and 'every hazard." This has become the stereotyped conclusion in all the southern portion of the country. I hope this is not the conclusion which the Senator forbore. But, if this Union shall be dissolved, and the Republic fall, and its history shall be truly written, that "last chapter" will read that the Republic fell under a struggle, on the part of the South, to enslave that which was free; while the effort of the North was but to perpetuate that liberty which already existed. The witness will be the Senator from Mississippi.

It has been often said here, that it will be cruel as well as unjust to pen up slavery in a narrow space, and by that means extinguish it by a lingering death. An investigation of the facts will show, that the institution is not much confined at present; and to show this, I have prepared the following table:

States.	*Acres.*
Florida, January 1, 1849, had land unsold.....	36,989,272
Arkansas " " " "	30,411,483
Louisiana " " " "	26,491,815
Mississippi " " " "	16,711,859
Alabama " " " "	21,659,847
Missouri " " " "	33,396,840
Texas has unsold at least.....	150,000,000
	315,711,116
In remaining eight slave States, land unoccupied—supposed.....	78,902,779
Amount of unoccupied land in slave States....	394,613,895
This reduced to farms of 160 acres, would make 2,466,336 farms yet unoccupied in the slave States—equal to 160 acres to be worked by every slave, man, woman, and child, in the Republic—besides what they now occupy, which is about.....	280,000,000
Land occupied and unoccupied in slave States.	674,613,895
Whole area of free States.....	290,777,600
Excess in slave States.....	383,836,285
Occupied land in slave States, about.....	280,000,000
Unoccupied land in slave States, over whole area in free.....	103,836,295

The "*institution*" must be awfully crowded for fresh air.

I wish to address a few remarks to the Senate upon the subject of the admission of California. They shall be of a very general character, and I will introduce them by reading an extract from the late speech of the Senator from South Carolina, [Mr. BUTLER:]

"But to evade this Wilmot proviso, the people were left in a state of anarchy; and under an operation of causes worse than the Wilmot proviso, they are claiming privileges now, by *usurpation*, to which they are not entitled. Is it not a usurpation in any point of view in which we can regard it? Why, sir, *in whom was vested a sovereignty over the citizens and the inhabitants* under the treaty of California? *In the United States.* And I think the honorable Senator from Mississippi [Mr. DAVIS] the other day demonstrated that—and he put the proposition in so strong a point of view, that I think I could not be misunderstood; and the Senator from Georgia has left no ground for others to occupy. I venture to say that there are but very few individuals upon this floor, who will contend before any tribunal that could take cognizance of the subject, that a sovereignty was not vested in the United States, *to be exerted through the agency of their representatives in Congress.*

"The right claimed under the doctrine of self-government, is *extra-constitutional, and has no sanction for its exercise.* When analyzed, it is a right to dispense with the prescriptions of the Constitution, and to use a power in derogation of the rights of the States of this Union, in whom was vested the high sovereignty and eminent domain."

Now, sir, if the Senator will compare these remarks with the almost universal character of the remarks of Senators from the South last winter, he will find that he has unsaid the whole of it. If he will compare this with the doctrine of the resolutions of his colleague in 1847, and his speech thereon, he will find that he is in direct conflict with it. If he will take the *Union* newspaper, published about one year ago, he will find that he repudiates the very thing which was then contended for. We were asked, almost in terms, why we could not let California alone—let her adopt a constitution for herself—and thus let the question be settled? I fear this doctrine will not be very grateful to the ears of the Senator from Michigan, [Mr. CASS,] who delivered a speech some days since, the doctrines of which he now hears condemned by those for whom he has so kindly ventured. If you will compare the doctrines held a year ago, not only by the public press of the South, but by members upon this floor, with those held now, you will find that any one who should attempt to follow the meanderings of the South upon the subject of slavery, will have to assume a condition himself very near that of a slave. He must change his views as often as the position of things changes adversely to the interests of slavery. Just hear the Senator from Louisiana, [Mr. DOWNS.] If his language had been used by a northern man, I will venture to say it would have been taken by him as an insult to the South. He says:

"But, Mr. President, if this were not the case, there are other reasons why the people of the South should not, and never will willingly, consent to receive this State, even if it was a spontaneous movement of the people, without any action of the Government. It was a case in which one half of the Union had no opportunity of being heard: *you took snap judgment on them.* Nine tenths of the white men who wished to go there, could not do it. It is much more expensive to transport slaves. *We have not the ships and the means*—we have not been growing rich out of this Confederacy. *You of the North have more stores of wealth to stock your expeditions. We must travel by land, in our own carts and wagons.* We cannot go on so large a scale as the North. We cannot build whole houses and put them on board ships, and take them to California. *We are not so rich as all that;* an the consequence has been that, even if slavery could be admitted by law, *those who had no slaves, and did not want them, got there first, and took possession.*"

This is not a very favorable picture of the prosperity and glory of the South—not a very elegant view of the elegancies, luxuries, and conveniences of the "institution." But it is not a commentary

by me, sir, but by the Senator from Louisiana; and a strange one it is. What would the Senator have? Would he have the elastic, bounding activity of the North, to await the slow and sluggish movements of the slave-labor machinery of the South, in settling the territories? Does he expect this? If so—mark my words—he will expect in vain, until the last clod has fallen upon the coffin of the last slave, whose servile foot imprints the southern soil. It will not wait. You cannot chain the active energy of the North. You could not chain that of a FREMONT. He did not wait to provide "transportation" for slaves; but calling about him his hardy countrymen, he braved the perils of want, hunger, thirst, and mountain snows; nor was he appalled when death itself strewed victims on his path. His noble fortitude and energy have been (as they deserved) rewarded by an active, enterprising people. Though of the sunny South, he possessed the *useful* daring and chainless soul of the North. A GWIN, too, broke the toils that bound him to the corpse of slavery. He, too, has been rewarded.

But, sir, under whose auspices was this State organized? A southern President, a southern Secretary of State, a southern Secretary of War, a southern Secretary of the Navy, a southern Attorney General here, and a southern vice-consul, sent there, as was feared by the North, to settle this whole controversy in favor of the slave interest. It has all been in southern hands; and yet gentlemen tell us the South has been unfairly treated; "that snap judgment" has been taken on them; that they have been deprived of their rights, and are about to have the seal of *inferiority* stamped upon them! Away with such clamor! Mankind will never hear it with patience or sympathy.

The South tell us that if California is admitted, they must "resist at every hazard and to the last extremity." They cannot mean this. They have shown themselves in the history of their country to be men of too much sense. They have shown themselves to be proud of their reputation. They have all that a people can have to be proud of, though they have something to deplore. And, sir, they will never compel the historian to record the fact, that, because they could not enslave the government of one land, they overthrew and destroyed the freedom of another—and their own.

Gentlemen have given us their views upon the subject of allegiance. Under the practice of those views, neither this Government nor any other Confederacy can endure. What, sir, are these views, as expressed by the Senator from South Carolina, [Mr. BUTLER?] They are, that we owe allegiance to this Government only through the States; that we owe allegiance first to the States, and secondly to this Government. I presume that almost every Senator who expresses these views of allegiance has held public station in some one of the States. I would ask him the character of the official oath which he then took? Was it not first "to support the Constitution of the United States," and then "of this State?" The Constitution itself declares that it, together with all laws and treaties which shall be made in pursuance of it, shall be the supreme law of the land, and that the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding. They come hear and swear to support that Constitution, which makes this Government preëminent above the constitution and laws of any State; and yet they say they intend, should the interests of the State and Union conflict, to violate the Constitution of the United States, and to stand by the State.

Mr. BUTLER. I must ask the gentleman to allow me to interpose and make one remark. That expression of mine has been noticed, I see in northern papers. No Senator upon this floor has thought proper to take notice of it until the present time, and I wish to explain my remarks.

Mr. WALKER. I alluded to various other gentlemen besides the Senator himself—some of them in the House of Representatives.

Mr. BUTLER. Mr. President, when I took my oath to support the Constitution of the United States, I hope I took it as a part of the laws of South Carolina; and so far as South Carolina has delegated to this Government any portion of the powers which belonged to it, they are laws which I am as much bound to obey, as I am the laws of South Carolina. It was stated in some of the northern papers, that I had isolated myself to allegiance to a single State—I had broken and violated the very oath I had taken in the Senate chamber. Now, sir, the power to make war, the power to make treaties, and all those enumerated powers here delegated, under which, in some measure, as a Senator, I must have some control, I regard as having been part of the laws of each and every State in the Union. It is through my State that I am connected with this Government, and it is through that State that I feel myself under obligation to recognize and obey the laws of the Federal Government. If any man has the hardihood to dispute that proposition, I think that there would be very few upon this floor.

Furthermore, I say, sir, that allegiance is a unit. You cannot have two masters, when they give conflicting demands. If I derived through South Carolina my authority to come here, it was to maintain the Constitution of the United States as a part of the bond of this Union, consented to under her hand and seal. And I should like to know what gentleman upon this floor, if a conflict should arise, would say that his allegiance is first due to the acts of Congress, in preference to his allegiance to the State which gives him habitual protection. I have studied this subject. I do not now wish to run it down to its origin; but I will assure the gentleman when he comes to consider it, that he will find it very difficult indeed to regard allegiance as of a double character.

Mr. WALKER resumed. Mr. President, suppose a conflict between the Constitution of the United States and of the States—which is to prevail? Does not the Constitution itself expressly declare, as agreed to by the States, that it shall be the supreme law of the land, anything in the constitutions or laws of the several States to the contrary notwithstanding? Every judge upon the bench is sworn to support the Constitution of the United States as the supreme law of the land. Suppose, sir, that under some infatuation that might seize any State, one of them should pass a law directing the Judge to violate the Constitution of the United States, would the Judge thereby be absolved from his allegiance to the Constitution of the United States? No Government in the nature of ours—a confederated Republic—could stand upon such a foundation. You may amend the Constitution in any respect which the Senator from South Carolina [Mr. CALHOUN] may claim; you may establish what kind of confederation you please; but unless there is an allegiance to the General Government, superior to the allegiance to the States, it must assuredly fall.

The Senator says "allegiance is a unit." If this be so under *our* Government, I must be in a strange kind of a triune "fix." I was born in Virginia, and owe her allegiance by nativity. I have lived in Illinois, and held public station there requiring me to swear to support her constitution. I owe allegiance to her by oath and by adoption. I now live under the dominion of Wisconsin, and in part represent her here. Now, when gentlemen have "resisted to the last extremity, and at all hazards," and to save the Government her friends have rallied to her standard, and I am found among them, (I assure them I shall be, and so will Wisconsin,) if Illinois be among the States to be resisted, and I am caught there, *she* can execute me for treason. But if I escape thence to Virginia, *she* can surely put me to death; for I owe her allegiance by birth and nativity. In vain, in either case, will I say "the Constitution of the *United States is supreme*—I serve that." I will be told *I owed my first allegiance to the States*, and should have *let the Union fall* without a struggle. I ask to which of them? I get no answer—I must die! Away with such ideas of fidelity to our country!

I wish now very briefly to consider the charge which is made against us of aggression. With regard to the restoration of fugitive slaves, there may be cause of complaint. But this is a subject to be provided for by law. Gentlemen of the South, however, accompany this charge against the North with the inquiry, in what has the South made aggressions upon the North? They may not, perhaps, set the same value upon the rights of the humble and obscure, as the people of the North do; but if they will look at the transactions in some of their States, it occurs to me they will find that there has been some aggression, whether they will acknowledge it or not. Suppose that a citizen of Wisconsin or of Massachusetts, colored though he may be, but being a citizen, is entitled to all the privileges and immunities of citizenship in the several States, should visit, in the pursuit of his business, the shores of South Carolina—what hospitality awaits him there? It is imprisonment in the dungeon. Suppose the State from which he goes, not wishing to "*dissolve the Union*" upon this account, "or to resist to the last extremity, and at all hazards," sends another citizen—a white citizen—equally entitled to all the immunities of citizenship, to South Carolina, to inquire why they allowed this infraction of the liberty of the northern citizen—what treatment does he meet with? Why, sir, if *he* is not imprisoned—if *he* is not deprived of *his* liberty—it is because he can make tracks fast enough to save his liberty, and *perhaps* his life. This may not be deemed an aggression upon the North; but aggressions upon the personal liberty of the humble and obscure were once considered aggressions upon the natural rights of mankind. It was such infractions of personal rights that caused the bold barons to rush upon King John, at Runnymede, and extort from him the *magna charta*. It was such, with other aggressions, that brought the head of Charles the Frist to the block, and drove James the Second from his throne and country.

By way of retaliation, not upon the individuals who have injured them, but upon the States themselves, for the acts of irresponsible men, such infractions of the Constitution have been committed upon those who were exercising the rights which the Constitution of the United States, the laws of God, and the laws of nature, gave them. But I do not wish these things to be treasured up. I hope that any circumstances of this kind, which have transpired in the past, may lie buried with the past, and soon die away from the memory of the North—that they may not be treasured up and held as matters of malice. But if it were not for the union which binds the States of this Confederacy together, like a family of sisters, such aggressions as these would plunge this country in blood. We have had an instance, too recently to be forgotten, where one individual, and not an American, being deprived of his liberty, roused the whole nation. I allude to the abduction of Rey.

Mr. President, we have already heard much—how much too much—about a dissolution of the Union; and some appear to think it may be *peaceably dissolved*. Peaceful dissolution! Why, sir, it sounds to me as incongruous as peaceful war. There are some natural monuments—some commercial features of the country—which it is impossible to dissolve or divide. They must forever remain as monuments, in common, of the unity of this Republic, or become the source of civil war and bloodshed when that unity shall be destroyed. How can you divide the great Mississippi river, the great chain of northwestern lakes, and our other channels of commercial traffic and intercourse? It cannot be; nor can they be used in common and in peace—this Union being gone. The first boatman that descended the Mississippi river, would be so treated as to beget war. Instead of the jocund song and "mellow horn," he would be startled by the boom of the gun, and the sight of the shot skipping across his track, as a warning to round to and report—submit to search—exhibit his clearance—to enter, and pay duty or tribute. That vast river would soon become a second Dardanelles—every town upon its banks another Tripoli. Collision and deadly war must follow, as sure as the Mississippi runs, and shall be made to lave the shores of different Powers. So of all our other great channels of intercourse and commerce.

When dissolution shall come—if come it must—instead of the happy, social, political, and commercial intercourse we now enjoy—when the citizen at home is everywhere a citizen—we will be met at every turn by treaties, tariffs, searches, outposts, blockades, and laws of non-intercourse; instead of our temples of worship, education, or amusement, we will have frowning fortresses, moated bastiles, and garrisons, for standing armies; in place of the busy hum of happy peace, we will be startled and shocked by the roar of cannon, the rattle of musketry, the dashing tramp of the war steed, the clash and clang of arms, the shock and conflict of men, the screams of the wounded, and the moans of the dying. Where our valleys now yield the reward of quiet industry, and our hill-sides are odorous with the blooming vine and olive, those valleys will be afloat in crimson gore—those hill sides whitened with the bleaching bones of kindred and companions! May he who intentionally takes the first step toward this horrid consummation, suffer through life all the tortures of despair and wretchedness! May sight forsake his eyes, and hearing his ears! May leprous scales cling to his wretched carcass, while disease, want, hunger, thirst, and cold, feed upon his vitals! And in his last hour, may he have no kindly hand to smooth his pillow—no kindred smile to light his exit to the grave! Nay, sir, may he have no pillow on which to die—no grave in which to repose! And

in the dread tribunal of eternity, may he barely meet the mediatorial interposition of Jesus at the throne of God! For such a wretch the Saviour scarcely died!

This, sir, is my curse for the would-be destroyer of this Union and Republic. If he be in this chamber—which I cannot believe—the curse is for him; and if I could add to my tongue the sting of the scorpion—the fire that is never quenched—the gall that is persistent through eternity—I would make that curse more poignant, more burning, and more bitter.

If it were possible so to bury a magazine as to blast this continent asunder, it would hardly produce the horrors of a dissolution of this Union, and the consequent downfall of this Republic. Those horrors would not be bounded by this continent—they would span and bound the world. This is a land too goodly not to have excited the envy and avarice of tyrant aspirants in every quarter of the globe. The history of the conflicts between the Normans and the Saxons—the Tudors and Plantagenets—of York and Lancaster—yea, of all the factions that have ever contended in England and Europe—would constitute but a tinted page, compared with the blood-red history of our downfall, and its consequences. If come they must—which may God avert! if run their course they must—when they are ended, when "it is finished," there will be scarcely blood enough left in the veins of surviving man, with which to post up the crimson record. If

"Freedom shrieked when Kosciusko fell,"

when this Republic shall fall, Freedom

"Sighing from her seat, through all her works,
Will give signs of wo that all is lost."

Ours will be a bitter cup to all mankind who aspire to freedom; and may Heaven grant to "let that cup pass!" Contemplate the noble Kossuth in distress, wending his way through secret and lonesome paths, seeking egress from a land of oppression, that he may go away to this, the land of his promise and his refuge. The startling cry breaks upon his ear—THE AMERICAN REPUBLIC HAS FALLEN! With an aimless gaze of wan despair, he falls—his great heart bursting, as he sighs a last farewell to liberty and hope!

Sir, if fall we must, and you should be so wretched as to survive that fall, when, in after and remote years, prompted by a patriotism no longer useful, you shall make a pilgrimage to this shrine of our then departed empire, you will find—

"The wild briar tangled where rose-trees had been,
The city in ruins, and lonesome the green."

As you then stand in this chamber, meditating on the fading past, a death-watch silence—mournfully expressive of departed greatness—will be broken only by the falling drops of accumulated damps, or the sound of the nail falling from its neglected and decaying beams, to tell more plainly of the ruin and the change. The beautiful though melancholy lines of Moore will be then appropriate to your meditations:

"The harp that once through Tara's halls
The soul of music shed,
Now hangs as mute on Tara's walls
As if that soul were fled.

No more to chiefs and ladies bright
The harp of Tara swells;
The chord that breaks alone at night
Its tale of ruin tells.

Thus Freedom now so seldom wakes,
The only throb she gives
Is when some heart indignant breaks,
To show that still she lives!"

But it must not—it cannot be. There are too many glorious memories—too much of bright promise and of hope associated with this happy land—to leave any one indifferent to its fate, much less with a desire for its ruin. Those who established our Union and Republic, established in them a monument of fame and glory to themselves and their posterity. They left it to our care, with the charge to guard it from the ruthless hand of the spoiler, and to adorn it with the garlands and flowers of veneration, fidelity, and affection. They lighted the fires on the altar of freedom, and left them brightly burning, with the injunction to us to keep the flame perpetual. If now we betray our trust, and make ours the hand to tear down that monument, and dash out that flame, if the heaviest vengeance of Heaven be not visited upon us, it will be that the Divine Ruler of nations will manifest his omnipotence more through his attribute of mercy than of justice.

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SPEECH

OF

HON. DANIEL WEBSTER, OF MASSACHUSETTS,

IN SENATE OF THE UNITED STATES, MARCH 7, 1850,

On the Compromise Resolutions submitted by Mr. CLAY *on the 25th of January.*

Mr. WEBSTER said: I beg to express my obligations to my friend from Wisconsin, [Mr. WALKER,] as well as to my friend from New York, [Mr. SEWARD,] for their courtesy in allowing me to address the Senate this morning.

Mr. President, I wish to speak to-day, not as a Massachusetts man, nor as a northern man, but as an American, and a member of the Senate of the United States. It is fortunate that there is a Senate of the United States; a body not yet moved from its propriety, not lost to a just sense of its own dignity, and its own high responsibilities, and a body to which the country looks with confidence, for wise, moderate, patriotic, and healing counsels. It is not to be denied that we live in the midst of strong agitations, and are surrounded by very considerable dangers to our institutions of government. The imprisoned winds are let loose. The East, the West, the North, and the stormy South, all combine to throw the whole ocean into commotion, to toss its billows to the skies, and to disclose its profoundest depths. I do not affect to regard myself, Mr. President, as holding, or as fit to hold, the helm in this combat of the political elements; but I have a duty to perform, and I mean to perform it with fidelity—not without a sense of surrounding dangers, but not without hope. I have a part to act, not for my own security or safety, for I am looking out for no fragment upon which to float away from the wreck, if wreck there must be, but for the good of the whole, and the preservation of the whole; and there is that which will keep me to my duty during this struggle, whether the sun and the stars shall appear, or shall not appear, for many days. I speak to-day for the preservation of the Union. "Hear me for my cause." I speak to-day, out of a solicitous and anxious heart, for the restoration to the country of that quiet and that harmony which make the blessings of this Union so rich and so dear to us all. These are the topics that I propose to myself to discuss; these are the motives, and the sole motives, that influence me in the wish to communicate my opinions to the Senate and the country; and if I can do anything, however little, for the promotion of these ends, I shall have accomplished all that I desire.

Mr. President, it may not be amiss to recur very briefly to the events which, equally sudden and extraordinary, have brought the political condition of the country to what it now is. In May, 1846, the United States declared war against Mexico. Her armies, then on the frontiers, entered the provinces of that Republic, met and defeated all her troops, penetrated her mountain passes, and occupied her capital. The marine force of the United States took possession of her forts and her towns on the Atlantic and on the Pacific. In less than two years a treaty was negotiated, by which Mexico ceded to the United States a vast territory, extending seven or eight hundred miles along the shores of the Pacific, and reaching back over the mountains, and across the desert, until it joined the frontier of the State of Texas. It so happened, that, in the distracted and feeble state of the Mexican Government, before the declaration of war by the United States against Mexico had become known in California, the people of California, under the lead of American officers, overthrew the existing Provincial Government of California, the Mexican authorities, and run up an independent flag. When the news arrived at San Francisco, that war had been declared by the United States against Mexico, this independent flag was pulled down, and the stars and stripes of this Union hoisted in its stead. So, sir, before the war was over, the powers of the United States, military and naval, had possession of San Francisco and Upper California, and a great rush of emigrants, from various parts of the world, took place into California, in 1846 and 1847. But now, behold another wonder.

In January of 1848, the Mormons, it is said, or some of them, made a discovery of an extraordinarily rich mine of gold; or, rather, of a very great quantity of gold, hardly fit to be called a mine, for it was spread near the surface—on the lower part of the south or American branch of the Sacramento. They seem to have attempted to conceal their discovery for some time; but soon another discovery, perhaps of greater importance, was made, of gold in another part of the American branch of the Sacramento, and near Sutter's fort, as it is called. The fame of these discoveries spread far and wide. They excited more and more the spirit of emigration toward California, which had already been excited; and persons crowded in hundreds, and flocked toward the Bay of San Francisco. This, as I have said, took place in the winter and spring of 1848. The digging commenced in the spring of that year; and from that time to this, the work of searching for gold has been prosecuted with a success not heretofore known in the history of this globe. We all know, sir, how incredulous the American public was at the accounts which reached us at first of these discoveries; but we all know now that these accounts

received, and continue to receive, daily confirmation; and down to the present moment, I suppose the assurances are as strong, after the experience of these several months, of mines of gold, apparently inexhaustible in the regions near San Francisco, in California, as they were at any period of the earlier dates of the accounts. It so happened, sir, that although in the time of peace it became a very important subject for legislative consideration and legislative decision, to provide a proper territorial government for California, yet, differences of opinion in the counsels of the Government prevented the establishment of any such territorial government for California, at the last session of Congress. Under this state of things, the inhabitants of San Francisco and California—then amounting to a great number of people—in the summer of last year, thought it to be their duty to establish a local government. Under the proclamation of General Riley, the people chose delegates to a convention. That convention met at Monterey. They formed a constitution for the State of California, and it was adopted by the people of California in their primary assemblages. Desirous of immediate connection with the United States, its Senators were appointed and Representatives chosen, who have come hither, bringing with them the authentic constitution of the State of California; and they now present themselves, asking in behalf of their State, that the State may be admitted into this Union as one of the United States. This constitution, sir, contains an express prohibition against slavery, or involuntary servitude, in the State of California. It is said, and I suppose truly, that of the members who composed that convention, some sixteen were natives, and had been residents of the slaveholding States, and about twenty-two were from the non-slaveholding States, and the remaining ten members were either native Californians, or old settlers in that country. This prohibition against slavery, it is said was inserted with entire unanimity.

Mr. HALE. Will the Senator give way until order is restored?

The VICE PRESIDENT. The Sergeant-at-Arms will see that order is restored, and no more persons admitted to the floor.

Mr. CASS. I trust the scene of the other day will not be repeated. The Sergeant-at-Arms must display more energy in suppressing this disorder.

Mr. HALE. The noise is outside of the door.

Mr. WEBSTER. And it is this circumstance, sir, the prohibition of slavery by that convention, which has contributed to raise—I do not say it has wholly raised—the dispute as to the propriety of the admission of California into the Union under this constitution. It is not to be denied, Mr. President—nobody thinks of denying—that, whatever reasons were assigned at the commencement of the late war with Mexico, it was prosecuted for the purpose of the acquisition of territory, and under the alleged argument that the cession of territory was the only form in which proper compensation could be made to the United States, by Mexico, for the various claims and demands which the people of this country had against that Government. At any rate, it will be found that President Polk's message at the commencement of the session of December, 1847, avowed, that the war was to be prosecuted until some acquisition of territory was made. And, as the acquisition was to be south of the line of the United States, in warm climates and countries, it was naturally, I suppose, expected by the South, that whatever acquisitions were made in that region, would be added to the slaveholding portion of the United States. Events have turned out as was not expected, and that expectation has not been realized; and therefore some degree of disappointment and surprise has resulted, of course. In other words, it is obvious that the question which has so long harassed the country, and at times very seriously alarmed the minds of wise and good men, has come upon us for a fresh discussion—the question of slavery in these United States.

Now, sir, I propose—perhaps at the expense of some detail and consequent detention of the Senate—to review, historically, this question of slavery, which—partly in consequence of its own merits, and partly, perhaps mostly, in the manner it is discussed, in one and the other portion of the country—has been a source of so much alienation and unkind feeling between the different portions of the Union. We all know, sir, that slavery has existed in the world from time immemorial. There was slavery, in the earliest periods of history, in the Oriental nations. There was slavery among the Jews—the theocratic government of that people made no injunction against it. There was slavery among the Greeks; and the ingenious philosophy of the Greeks found, or sought to find, a justification for it, exactly upon the grounds which have been assumed, for such a justification, in this country; that is, a natural and original difference among the races of mankind—the inferiority of the black or colored race, to the white. The Greeks justified their system of slavery upon that ground precisely. They held the African, and in some parts, the Asiatic tribes, to be inferior to the white race; but they did not show, I think, by any close process of logic, that, if this were true, the more intelligent and the stronger, had therefore a right to subjugate the weaker.

The more manly philosophy, and jurisprudence of the Romans, placed the justification of slavery on entirely different grounds.

The Roman jurists, from the first, and down to the fall of the empire, admitted that slavery was against the natural law, by which, as they maintained, all men, of whatsoever clime, color or capacity, were equal; but they justified slavery—first, upon the ground and authority of the law of nations—arguing, and arguing truly, that at that day the conventional law of nations admitted, that captives in war, whose lives, according to the notions of the times, were at the absolute disposal of the captors, might, in exchange for exemption from death, be made slaves for life, and that such servitude might descend to their posterity. The jurists of Rome also maintained that, by the civil law, there might be servitude—slavery, personal and hereditary—first, by the voluntary act of an individual who might sell himself into slavery; second, by his being received into a state of slavery, by his creditors, in satisfaction of a debt; and, thirdly, by being placed in a state of servitude, or slavery, for crime. At the introduction of Christianity into the world, the Roman world was full of slaves, and I suppose there is to be found no injunction against that relation between man and man in the teachings of the Gospel of Jesus Christ, or of any of his Apostles. The object of the instruc-

tion, imparted to mankind, by the Founder of Christianity, was to touch the heart, purify the soul, and improve the lives of individual men. That object went directly to the first fountain of all political and all social relations of the human race—the individual heart and mind of man.

Now, sir, upon the general nature, and character, and influence of slavary, there exists a wide difference between the northern portion of this country and the southern. It is said, on the one side, that if not the subject of any injunction or direct prohibition in the New Testament, slavery is a wrong; that it is founded merely in the right of the strongest; and that it is an oppression, like all unjust wars—like all those conflicts by which a mighty nation subjects a weaker nation to their will; and that slavery, in its nature, whatever may be said of it in the modifications which have taken place, is not in fact according to the meek spirit of the Gospel. It is not kindly affectioned, it does not "seek another's, and not its own." It does not "let the oppressed go free." These are sentiments that are cherished, and recently with greatly augmented force, among the people of the northern States. It has taken hold of the religious sentiment of that part of the country, as it has more or less taken hold of the religious feelings of a considerable portion of mankind. The South, upon the other side, having been accustomed to this relation between the two races all their lives, from their birth; having been taught in general to treat the subjects of this bondage with care and kindness—and I believe, in general, feeling for them great care and kindness—have yet not taken this view of the subject which I have mentioned. There are thousands of religious men, with consciences as tender as any of their brethren at the North, who do not see the unlawfulness of slavery; and there are more thousands, perhaps, that, whatsoever they may think of it in its origin, and as a matter depending upon natural right, yet take things as they are, and, finding slavery to be an established relation of the society in which they live, can see no way in which—let their opinions on the abstract question be what they may—it is in the power of the present generation to relieve themselves from this relation. And, in this respect, candor obliges me to say, that I believe they are just as conscientious, many of them—and of the religious people, all of them—as they are in the North, in holding different opinions.

Why, sir, the honorable Senator from South Carolina, the other day, alluded to the great separation of that great religious community, the Methodist Episcopal Church. That separation was brought about by differences of opinion upon this peculiar subject of slavery. I felt great concern, as that dispute went on, about the result; and I was in hopes that the difference of opinion might be adjusted, because I looked upon that religious denomination as one of the great props of religion and morals, throughout the whole country, from Maine to Georgia. The result was against my wishes and against my hopes. I have read all their proceedings, and all their arguments, but I have never yet been able to come to the conclusion, that there was any real ground for that separation; in other words, that no good could be produced by that separation. I must say, I think there was some want of candor and charity. Sir, when a question of this kind takes hold of the religious sentiments of mankind, and comes to be discussed in religious assemblies of the clergy and laity, there is always to be expected, or always to be feared, a great degree of excitement. It is in the nature of man, manifested by his whole history, that religious disputes are apt to become warm, and men's strength of conviction is proportionate to their views of the magnitude of the questions. In all such disputes, there will sometimes be men found with whom everything is absolute—absolutely wrong, or absolutely right. They see the right clearly; they think others ought so to see it, and they are disposed to establish a broad line of distinction between what is right, and what is wrong. And they are not seldom willing to establish that line upon their own convictions of the truth and the justice of their own opinions; and are willing to mark and guard that line, by placing along it a series of dogmas, as lines of boundary are marked by posts and stones. There are men, who, with clear perceptions, as they think, of their own duty, do not see how too hot a pursuit of one duty may involve them in the violation of another, or how too warm an embracement of one truth may lead to a disregard of other truths equally important. As I heard it stated strongly, not many days ago, these persons are disposed to mount upon some particular duty as upon a war-horse, and to drive furiously on, and upon, and over all other duties, that may stand in the way. There are men, who, in times of that sort, and disputes of that sort, are of opinion, that human duties may be ascertained with the exactness of mathematics. They deal with morals as with mathematics, and they think what is right, may be distinguished from what is wrong, with the precision of an algebraic equation. They have, therefore, none too much charity toward others who differ with them. They are apt, too, to think that nothing is good but what is perfect, and that there are no compromises or modifications to be made in submission to difference of opinion, or in deference to other men's judgment. If their perspicacious vision enables them to detect a spot on the face of the sun, they think that a good reason why the sun should be struck down from Heaven. They prefer the chance of running into utter darkness, to living in heavenly light, if that heavenly light be not absolutely without any imperfection. There are impatient men—too impatient always to give heed to the admonition of St. Paul, "that we are not to do evil that good may come"—too impatient to wait for the slow progress of moral causes in the improvement of mankind. They do not remember, that the doctrines and the miracles of Jesus Christ have, in eighteen hundred years, converted only a small portion of the human race; and among the nations that are converted to Christianity, they forget how many vices and crimes, public and private, still prevail, and that many of them—public crimes especially, which are offenses against the Christian religion—pass without exciting particular regret or indignation, Thus wars are waged, and unjust wars. I do not deny that there may be just wars. There certainly are; but it was the remark of an eminent person, not many years ago, on the other side of the Atlantic, that it was one of the greatest reproaches to human nature, that wars were sometimes necessary. The defense of nations sometimes causes a war against the injustice of other nations.

Now, sir, in this state of sentiment, upon the general nature of slavery, lies the cause of a great portion of those unhappy divisions, exasperations, and reproaches, which find vent and support in different parts of the Union. Slavery does exist in the United States. It did exist in the States before the adoption of this Constitution, and at that time.

And now let us consider, sir, for a moment, what was the state of sentiment, North and South, in regard to slavery at the time this Constitution was adopted. A remarkable change has taken place since, but what did the wise and great men of all parts of the country then think of slavery? In what estimation did they hold it in 1787, when this Constitution was adopted? Now, it will be found, sir, if we will carry ourselves by historical research back to that day, and ascertain men's opinions by authentic records still existing among us, that there was no great diversity of opinion between the North and the South upon the subject of slavery; and it will be found that both parts of the country held it equally an evil, a moral and political evil. It will not be found, that either at the North or at the South, there was much, though there was some, invective against slavery as inhuman and cruel. The great ground of objection to it was political; that it weakened the social fabric; that, taking the place of free labor, society was less strong, and labor was less productive; and, therefore, we find, from all the eminent men of the time, the clearest expression of their opinion that slavery was an evil. And they ascribed its existence here, not without truth, and not without some acerbity of temper and force of language, to the injurious policy of the mother country, who, to favor the navigator, had entailed these evils upon the colonies. I need hardly refer, sir, to the publications of the day. They are matters of history on the record. The eminent men, the most eminent men, and nearly all the conspicuous politicians of the South, held the same sentiments, that slavery was an "evil," a "blight," a "blast," a "mildew," a "scourge," and a "curse." There are no terms of reprobation of slavery so vehement in the North of that day as in the South. The North was not so much excited against it as the South, and the reason is, I suppose, because there was much less at the North; and the people did not see, or think they saw, the evils so prominently as they were seen, or thought to be seen, at the South.

Then, sir, when this constitution was framed, this was the light in which the Convention viewed it. The Convention reflected the judgment and sentiments of the great men of the South. A member of the other house, whom I have not the honor to know, in a recent speech, has collected extracts from these public documents. They prove the truth of what I am saying, and the question then was, how to deal with it, and how to deal with it as an evil? Well, they came to this general result. They thought that slavery could not be continued in the country if the importation of slaves were made to cease, and therefore they provided, that after a certain period, the importation might be prevented by the act of the new Government. Twenty years was proposed by some gentleman—a northern gentleman, I think—and many of the southern gentlemen opposed it as being too long. Mr. Madison, especially, was something warm against it. He said it would bring too much of this mischief into the country to allow the importation of slaves for such a period, because we must take along with us, in the whole of this discussion, when we are considering the sentiments and opinions in which this constitutional provision originated, that the conviction of all men was, that if the importation of slaves ceased, the white race would multiply faster than the black race, and that slavery would therefore gradually wear out and expire. It may not be improper here to allude to that, I had almost said celebrated, opinion of Mr. Madison. You observe, sir, that the term "slave," or "slavery," is not used in the Constitution. The Constitution does not require that "fugitive slaves" shall be delivered up. It requires that "persons bound to service in one State, and escaping into another, shall be delivered up." Mr. Madison opposed the introduction of the term slave, or slavery, into the Constitution; for he said, that he did not wish to see it recognized by the Constitution of the United States of America, that there could be property in men. Now, sir, all this took place at the Convention in 1787; but connected with this—concurrent and contemporaneous—is another important transaction, not sufficiently attended to. The Convention, for framing this Constitution, assembled in Philadelphia in May, and sat until September, 1787. During all that time, the Congress of the United States was in session at New York. It was a matter of design, as we know, that the Convention should not assemble in the same city where Congress was holding its sessions. Almost all the public men of the country, therefore, of distinction and eminence, were in one or the other of these two assemblies; and I think it happened in some instances, that the same gentlemen were members of both. If I mistake not, such was the case of Mr. Rufus King, then a member of Congress from Massachusetts, and at the same time a member of the Convention to frame the Constitution, from that State. Now, it was in the summer of 1787, the very time when the Convention in Philadelphia was framing this Constitution, that the Congress in New York was framing the ordinance of 1787. They passed that ordinance on the 13th July, 1787, at New York, the very month—perhaps the very day—on which these questions about the importation of slaves, and the character of slavery, were debated in the Convention at Philadelphia. And, so far as we can now learn, there was a perfect concurrence of opinion between these respectives bodies; and it resulted in this ordinance of 1787, excluding slavery, as applied to all the territory over which the Congress of the United States had jurisdiction, and that was, all the territory northwest of the Ohio. Three years before, Virginia and other States had made a cession of that great territory to the United States. And a most magnificent act it was. I never reflect upon it without a disposition to do honor and justice—and justice would be the highest honor—to Virginia for that act of cession of her northwestern territory. I will say, sir, it is one of her fairest claims to the respect and gratitude of the United States, and that perhaps it is only second to that other claim which attaches to her, that from her counsels, and from the intelligence and patriotism of her leading statesmen, proceeded the first idea, put into practice, for the formation of a general Constitution of the United States. Now,

sir, the ordinance of 1787 applied thus to the whole territory over which the Congress of the United States had jurisdiction. It was adopted nearly three years before the Constitution of the United States went into operation; because the ordinance took effect immediately on its passage, while the Constitution of the United States, having been framed, was to be sent to the States to be adopted by their Conventions; and then a Government had to be organized under it. This ordinance, then, was in operation and force when the Constitution was adopted, and this Government put in motion, in April, 1789.

Mr. President, three things are quite clear as historical truths. One is, that there was an expectation that on the ceasing of the importation of slaves from Africa, slavery would begin to run out. That was hoped and expected. Another is, that as far as there was any power in Congress to prevent the spread of slavery in the United States, that power was executed in the most absolute manner and to the fullest extent. An honorable member whose health does not allow him to be here to-day——

A Senator. He is here. (Referring to Mr. Calhoun.)

Mr. WEBSTER. I am very happy to hear that he is—may he long be in health and the enjoyment of it to serve his country—said the other day, that he considered this ordinance as the first in the series of measures calculated to enfeeble the South, and deprive them of their just participation in the benefits and privileges of this Government. He says, very properly, that it was done under the old Confederation, and before this Constitution went into effect; but, my present purpose is only to say, Mr. President, that it was done with the entire and unanimous concurrence of the whole South. Why, there it stands! The vote of every State in the Union was unanimous in favor of the ordinance, with the exception of a single individual vote, and that individual was a northern man. But, sir, the ordinance abolishing or rather prohibiting slavery northwest of the Ohio, has the hand and seal of every southern member in Congress.

The other and third clear historical truth is, that the Convention meant to leave slavery, in the States, as they found it, entirely under the authority and control of the States.

This was the state of things, sir, and this the state of opinion, under which those very important matters were arranged, and those important things done; that is, the establishment of the Constitution, with a recognition of slavery as it existed in the States, and the establishment of the ordinance prohibiting, to the full extent of all territory owned by the United States, the introdution of slavery into those territories, and the leaving to the States all power over slavery, in their own limits. And here, sir, we may pause. We may reflect for a moment upon the entire coincidence and concurrence of sentiment between the North and the South upon these questions, at the period of the adoption of the Constitution. But opinions, sir, have changed—greatly changed—changed North and changed South. Slavery is not regarded in the South now as it was then. I see an honorable member of this body paying me the honor of listening to my remarks; he brings to me, sir, freshly and vividly the sentiments of his great ancestor, so much distinguished in his day and generation, so worthy to be succeeded by so worthy a grandson, with all the sentiments he expressed in the Convention in Philadelphia.

Here we may pause. There was a general concurrence of sentiment, if not an entire unanimity, running through the whole community, and especially entertained by the eminent men of all portions of the country. But soon a change began at the North and the South, and a severance of opinion showed itself—the North growing much more warm and strong against slavery, and the South growing much more warm and strong in its support. Sir, there is no generation of mankind whose opinions are not subject to be influenced by what appears to them to be their present, emergent, and exigent interest. I impute to the South no particularly selfish view, in the change which has come over her. I impute to her certainly no dishonest view. All that has happened has been natural. It has followed those causes which always influence the human mind and operate upon it. What, then, have been the causes which have created so new a feeling in favor of slavery in the South—which have changed the whole nomenclature of the South on the subject—and from being thought of and described in the terms I have mentioned, but will not repeat, it has now become an "institution," a "cherished institution," in that quarter; no evil, no scourge, but a great religious, social, and moral blessing, as I think I have heard it laterly described? I suppose this, sir, is owing to the sudden uprising and rapid growth of the cotton plantations of the South. So far as any motive of honor, justice, and general judgment could act, it was the cotton interest that gave a new desire to promote slavery, to spread it and to use its labor. I again say that that was produced by the causes, which we must always expect to produce like effects; their whole interests became connected with it. If we look back to the history of the commerce of this country, in the early years of this Government, what were our exports? Cotton was hardly, or but to a very limited extent, known. The tables will show that the exports of cotton for the years 1790 and '91, were not more than forty or fifty thousand dollars a year. It has gone on increasing rapidly until it may now, perhaps, in a season of great product and high prices, amount to a hundred millions of dollars. In the years I have mentioned, there was more of wax, more of indigo, more of rice, more of almost every article of export from the South, than of cotton. I think I have heard it said, when Mr. Jay negotiated the treaty of 1794 with England, he did not know that cotton was exported at all from the United States; and I have heard it said, that after the treaty, which gave to the United States the right to carry their own commodities to England in their own ships, the custom-house in London refused to admit cotton, upon an allegation that it could not be an American production, there being, as they supposed, no cotton raised in America. They would hardly think so now!

Well, sir, we know what followed. The age of cotton became a golden age for our southern brethren. It gratified their desire for improvement and accumulation, at the same time that it excited it. The desire grew by what it fed upon, and there soon came to be an eagerness for other territory—a new area or new areas for the cultivation of the cotton crop; and measures leading to this result,

were brought about somewhat rapidly, one after another, under the lead of southern men at the head of the Government, they having a majority in both branches, to accomplish their ends. The honorable member from Carolina observed, that there has been a majority all along in favor of the North. If that be true, sir, the North has acted either very liberally and kindly, or very weakly; for they never exercised that majority five times in the history of the Government. Never. Whether they were out-generalled, or whether it was owing to other causes, I shall not stop to consider, but no man acquainted with the history of the country can deny, that the general lead in the politics of the country, for three-fourths of the period that has elapsed since the adoption of the Constitution, has been a southern lead. In 1802, in pursuit of the idea of opening a new cotton region, the United States obtained a cession from Georgia of the whole of her western territory, now embracing the rich and growing State of Alabama. In 1803 Louisiana was purchased from France, out of which the States of Louisiana, Arkansas, and Missouri have been framed, as slaveholding States. In 1819 the cession of Florida was made, bringing another cession of slaveholding property and territory. Sir, the honorable member from South Carolina thought he saw in certain operations of the Government, such as the manner of collecting the revenue and the tendency of those measures to promote emigration into the country, what accounts for the more rapid growth of the North than the South. He thinks that more rapid growth was not the operation of time, but of the system of Government established under this Constitution. That is a matter of opinion. To a certain extent, it may be so; but it does seem to me, that if any operation of the Government could be shown in any degree to have promoted the population, and growth, and wealth of the North, it is much more sure that there are sundry important and distinct operations of the Government, about which no man can doubt, tending to promote, and which absolutely have promoted, the increase of the slave interest, and the slave territory, of the South. Allow me to say, that it was not time that brought in Louisiana; it was the act of men. It was not time that brought in Florida; it was the act of men. And lastly, sir, to complete those acts of men, which have contributed so much to enlarge the area and the sphere of the institution of slavery, Texas—great, and vast, and illimitable Texas—was added to the Union, as a slave State, in 1845; and that, sir, pretty much closed the whole chapter and settled the whole account. That closed the whole chapter—that settled the whole account—because the annexation of Texas, upon the conditions and under the guarantees upon which she was admitted, did not leave an acre of land, capable of being cultivated by slave labor, between this Capitol and the Rio Grande, or the Nueces, or whatever is the proper boundary of Texas—not an acre, not one. From that moment, the whole country from this place to the western boundary of Texas, was fixed, pledged, fastened, decided, to be slave territory forever, by the solemn guaranties of law. And I now say, sir, as the proposition upon which I stand this day, and upon the truth and firmness of which I intend to act until it is overthrown, that there is not, at this moment, within the United States, or any territory of the United States, a single foot of land, the character of which, in regard to its being free-soil territory or slave territory, is not fixed by some law, and some irrepealable law, beyond the power of the action of this Government. Now, is it not so with respect to Texas? Why, it is most manifestly so. The honorable Senator from South Carolina, at the time of the admission of Texas, held an important post in the Executive Department of the Government; he was Secretary of State. Another eminent person, of great activity and adroitness in affairs—I mean the late Secretary of the Treasury, (Mr. Walker)—was a leading member of this body, and took the lead in the business of annexation; and I must say that they did their business faithfully and thoroughly; there was no botch left in it. They rounded it off, and made as close joiner-work as ever was put together. Resolutions of annexation were brought into Congress fitly joined together—compact, firm, efficient, conclusive upon the great object which they had in view, and those resolutions passed.

Allow me to read the resolution. It is the third clause of the second section of the resolution of the 1st March, 1845, for the admission of Texas, which applies to this part of the case. That clause reads in these words:

"New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 30° 30′ north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State, asking admission, may desire; and in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

Now what is here stipulated, enacted, secured? It is, that all Texas south of 36° 30′, which is nearly the whole of it, shall be admitted into the Union as a slave State. It was a slave State, and therefore came in as a slave State—and the guaranty is, that new States shall be made out of it; and that such States as are formed out of that portion of Texas lying south of 36° 30′, may come in as slave States, to the number of four, in addition to the State then in existence, and admitted at that time by these resolutions. I know no mode of legislation which can strengthen that. I know no form of recognition that can add a tittle of weight to it. I listened respectfully to the resolutions of my honorable friend from Tennessee, [Mr. Bell.] He proposed to recognize that stipulation with Texas. But any additional recognition would weaken the force of it, because it stands here on the ground of a contract, a thing done, for a consideration. It is a law founded on a contract with Texas, and designed to carry that contract into effect. A recognition founded not on any consideration, or any contract, would not be so strong as it now stands on the face of the resolution. Now, I know no way, I candidly confess, in which this Government, acting in good faith, as I trust it always will, can relieve itself from that stipulation and pledge, by any honest course of legislation whatever. And, therefore, I say again, that so far as Texas is concerned—the whole of Texas south of 36° 30′, which I suppose embraces all the slave territory—there is no land, not an acre,

the character of which is not established by law—a law which cannot be repealed without the violation of a contract, and plain disregard of the public faith.

I hope, sir, it is now apparent, that my proposition, so far as Texas is concerned, has been maintained; and the provision in this article—and it has been well suggested by my friend from Rhode Island, that that part of Texas which lies north of thirty-four degrees of north latitude may be formed into free States—is dependent, in like manner, upon the consent of Texas, herself a slave State.

Well, now, sir, how came this?—how came it, that within these walls, where it is said by the honorable member from South Carolina, the free States have a majority—that this resolution of annexation, such as I have described it, found a majority in both Houses of Congress? Why, sir, it found that majority by the great addition of northern votes added to the entire southern vote, or, at least, nearly the whole of the southern votes. That majority was made up of northern as well as of southern votes. In the House of Representatives it stood, I think, about eighty southern votes for the admission of Texas, and about fifty northern votes for the admission of Texas. In the Senate the vote stood for the admission of Texas twenty-seven, and twenty-five against it; and of those twenty-seven votes, constituting a majority for the admission of Texas, in this body, no less than thirteen of them came from the free States—four of them were from New England. The whole of these thirteen Senators, from the free States—within a fraction, you see, of one-half of all the votes in this body for the admission of Texas, with its immeasurable extent of slave territory—were sent here by the votes of free States.

Sir, there is not so remarkable a chapter in our history of political events, political parties, and political men, as is afforded by this measure for the admission of Texas, with this immense territory, over which a bird can not fly in a week. [Laughter.] Sir, New England, with some of her votes, supported this measure. Three-fourths of the votes of liberty-loving Connecticut went for it in the other House, and one-half here. There was one vote for it in Maine, but I am happy to say, not the vote of the honorable member who addressed the Senate the day before yesterday, [Mr. HAMLIN,] and who was then a Representative from Maine in the other House; but there was a vote or two from Maine—ay, and there was one vote for it in Massachusetts, the gentleman then representing, and now living in, the district in which the prevalence of free-soil sentiment for a couple of years or so, has defeated the choice of any member to represent it in Congress. Sir, that body of northern and eastern men, who gave those votes at that time, are now seen taking upon themselves, in the nomenclature of politics, the appellation of the northern Democracy. They undertook to wield the destinies of this empire—if I may call a republic an empire—and their policy was, and they persisted in it, to bring into this country all the territory they could. They did it under pledges—absolute pledges to the slave interest in the case of Texas, and afterward they lent their aid in bringing in these new conquests. My honorable friend from Georgia, in March, 1847, moved the Senate to declare that the war ought not be prosecuted for acquisition, for conquest, for the dismemberment of Mexico. The same northern Democracy entirely voted against it. He did not get a vote from them. It suited the views, the patriotism, the elevated sentiments of the northern Democracy, to bring in a world here, among the mountains and valleys of California and New Mexico, or any other part of Mexico, and then quarrel about it—to bring it in, and then endeavor to put upon it the saving grace of the Wilmot proviso. There were two eminent and highly respectable gentlemen from the north and east, then leading gentlemen in the Senate—I refer, and I do so with entire respect, for I entertain for both of those gentlemen in general, high regard, to Mr. Dix of New York, and Mr. Niles of Connecticut, who voted for the admission of Texas. They would not have that vote any other way than as it stood; and they would have it as it did stand. I speak of the vote upon the annexation of Texas. Those two gentlemen would have the resolution of annexation just as it is, and they voted for it just as it is, and their eyes were all open to it. My honorable friend, the member who addressed us the other day from South Carolina, was then Secretary of State. His correspondence with Mr. Murphy, the chargé d'affaires of the United States in Texas, had been published. That correspondence was all before those gentlemen, and the Secretary had the boldness and candor to avow in that correspondence, that the great object sought by the annexation of Texas was to strengthen the slave interest of the South. Why, sir, he said, in so many words——

Mr. CALHOUN. Will the honorable Senator permit me to interrupt him for a moment?

Mr. WEBSTER. Certainly.

Mr. CALHOUN. I am very reluctant to interrupt the honorable gentleman; but, upon a point of so much importance, I deem it right to put myself *rectus*. I did not put it upon the ground assumed by the Senator. I put it upon this ground: that Great Britain had announced to this country, in so many words, that her object was to abolish slavery in Texas, and through Texas, to accomplish the abolishment of slavery in the United States and the world. The ground I put it on was, that it would make an exposed frontier, and, if Great Britain succeeded in her object, it would be impossible that that frontier could be secured against the aggression of the Abolitionists; and that this Government was bound, under the guaranties of the Constitution, to protect us against such a state of things.

Mr. WEBSTER. That comes, I suppose, sir, to exactly the same thing. It was, that Texas must be obtained for the security of the slave interest of the South.

Mr. CALHOUN. Another view is very distinctly given.

Mr. WEBSTER. That was the object set forth in the correspondence of a worthy gentleman not now living, who preceded the honorable member from South Carolina in that office. There repose on the files of the Department of State, as I have occasion to know, strong letters from Mr. Upsher to the United States Minister in England, and I believe there are some to the same minister from the honorable Senator himself, asserting to this effect the sentiments of this Government; that Great Britain was expected not to interfere to take

Texas out of the hands of its then existing government, and make it a free country. But my argument, my suggestion is this; that those gentlemen who composed the northern Democracy, when Texas was brought into the Union, saw, with all their eyes, that it was brought in as a slave country, and brought in for the purpose of being maintained, as slave territory, to the Greek Kalends. I rather think the honorable gentleman, who was then Secretary of State, might, in some of his correspondence with Mr. Murphy, have suggested that it was not expedient to say too much about this object, that it might create some alarm. At any rate, Mr. Murphy wrote to him, that England was anxious to get rid of the constitution of Texas, because it was a constitution, establishing slavery; and that what the United States had to do, was to aid the people of Texas in upholding their constitution; but that nothing should be said which should offend the fanatical men of the North. But, sir, the honorable member did avow this object, himself, openly, boldly and manfully; he did not disguise his conduct or his motives.

Mr. CALHOUN. Never, never.

Mr. WEBSTER. What he means he is very apt to say.

Mr. CALHOUN. Always, always.

Mr. WEBSTER. And I honor him for it. This admission of Texas was in 1845. Then, in 1847, *flagrante bello* between the United States and Mexico, the proposition I have mentioned, was brought forward by my friend from Georgia, and the northern Democracy voted straight ahead against it. Their remedy was to apply to the acquisitions, after they should come in, the Wilmot proviso. What follows? These two gentlemen, worthy and honorable, and influential men—and if they had not been, they could not have carried the measure—these two gentlemen, members of this body, brought in Texas, and by their votes they also prevented the passage of the resolution of the honorable member from Georgia, and then they went home and took the lead in the Free-Soil party. And there they stand, sir! They leave us here, bound in honor and conscience by the resolutions of annexation; they leave us here to take the odium of fulfilling the obligations, in favor of slavery, which they voted us into, or else the greater odium of violating those obligations, while they are at home making rousing and capital speeches for free soil and no slavery. [Laughter.] And therefore I say, sir, that there is not a chapter in our history, respecting public measures and public men, more full of what should create surprise, more full of what does create, in my mind, extreme mortification, than that of the conduct of this northern Democracy.

Mr. President, sometimes, when a man is found in a new relation to things around him, and to other men, he says that the world has changed, and that he has not changed. I believe, sir, that our self-respect leads us often to make this declaration in regard to ourselves, when it is not exactly true. An individual is more apt to change, perhaps, than all the world around him. But, under the present circumstances, and under the responsibility which I know I incur by what I am now stating here, I feel at liberty to recur to the various expressions and statements, made at various times, of my own opinions and resolutions respecting the admission of Texas, and all that has followed. Sir, as early as 1836, or in the earlier part of 1837, a matter of conversation and correspondence between myself and some private friends, was this project of annexing Texas to the United States; and an honorable gentleman, with whom I have had a long acquaintance, a friend of mine, now perhaps in this chamber—I mean Gen. Hamilton, of South Carolina—was knowing to that correspondence. I had voted for the recognition of Texan independence, because I believed it was an existing fact, surprising and astonishing as it was, and I wished well to the new Republic; but I manifested from the first utter opposition to bringing her, with her territory, into the Union. I had occasion, sir, in 1837, to meet friends in New York, on some political occasion, and I then stated my sentiments upon the subject. It was the first time that I had occasion to advert to it; and I will ask a friend near me to do me the favor to read an extract from the speech, for the Senate may find it rather tedious to listen to the whole of it. It was delivered in Niblo's Garden in 1837.

Mr. GREENE then read the following extract from the speech of the honorable Senator, to which he referred:

"Gentleman, we all see that, by whomsoever possessed, Texas is likely to be a slaveholding country; and I frankly avow my entire unwillingness to do anything which shall extend the slavery of the African race on this continent, or add other slaveholding States to the Union.

"When I say that I regard slavery in itself as a great moral, social, and political evil, I only use language which has been adopted by distinguished men, themselves citizens of slaveholding States.

"I shall do nothing, therefore, to favor or encourage its further extension. We have slavery already among us. The Constitution found it among us; it recognized it, and gave it solemn guaranties.

"To the full extent of these guaranties, we are all bound in honor, in justice, and by the Constitution. All the stipulations contained in the Constitution in favor of the slaveholding States, which are already in the Union, ought to be fulfilled, and, so far as depends on me, shall be fulfilled in the fullness of their spirit, and to the exactness of their letter. Slavery, as it exists in the States, is beyond the reach of Congress. It is a concern of the States themselves. They have never submitted it to Congress, and Congress has no rightful power over it.

"I shall concur, therefore, in no act, no measure, no menace, no indication of purpose which shall interfere or threaten to interfere with the exclusive authority of the several States over the subject of slavery, as it exists within their respective limits. All this appears to me to be matter of plain and imperative duty.

"But when we come to speak of admitting new States, the subject assumes an entirely different aspect. Our rights and our duties are then both different. * * *

"I see, therefore, no political necessity for the annexation of Texas to the Union—no advantages to be derived from it; and objections to it of a strong, and, in my judgment, of a decisive character."

Mr. WEBSTER. I have nothing, sir, to add to, nor to take back, from those sentiments. That, the Senate will perceive, was in 1837. The purpose of immediately annexing Texas, at that time, was abandoned or postponed; and it was not revived, with any vigor, for some years. In the mean time, it had so happenened, that I had become a member of the Executive Administration, and was, for a short period, in the Department of State. The annexation of Texas was a subject

of conversation—not confidential—with the President and heads of Departments, as well as with other public men. No serious attempt was then made, however, to bring it about. I left the Department of State in May, 1843, and shortly after, I learned, though no way connected with official information, that a design had been taken up, of bringing in Texas, with her slave territory and population, into the United States. I was here, in Washington, at the time; and persons are now here who will remember, that we had an arranged meeting for conversation upon it. I went home, to Massachusetts, and proclaimed the existence of that purpose; but I could get no audience, and but little attention. Some did not believe it, and some were too much engaged in their own pursuits to give it any heed. They had gone to their farms, or to their merchandise, and it was impossible to arouse any sentiment in New England or in Massachusetts that should combine the two great polical parties against this annexation; and, indeed, there was no hope of bringing the northern Democracy into that view, for the leaning was all the other way. But, sir, even with Whigs, and leading Whigs, I am ashamed to say, there was a great indifference toward the admission of Texas, with slave territory, into this Union. It went on. I was then out of Congress. The annexation resolution passed the 1st of March, 1845. The Legislature of Texas complied with the conditions, and accepted the guaranties; for the phraseology of the language of the resolution is, that Texas is to come in "upon the conditions, and under the guaranties, herein prescribed." I happened to be returned to the Senate in March, 1845, and was here in December, 1845, when the acceptance by Texas, of the conditions proposed by Congress, were laid before us by the President; and an act, for the consummation of the connection, was laid before the two Houses. The connection was not completed. A final law, doing the deed of annexation ultimately, had not been passed; and when it was upon its final passage here, I expressed my opposition to it, and recorded my vote in the negative; and there that vote stands, with the observations that I made upon that occasion. It has happened, that between 1837 and this time, on various occasions and opportunities, I have expressed my entire opposition to the admission of slave States, or the acquisition of new slave territories, to be added to the United States. I know, sir, no change in my own sentiments, or my own purposes, in that respect. I will now, again, ask my friend from Rhode Island, to read another extract from a speech of mine, made at a Whig Convention, in Springfield, Massachusetts, in the month of September, 1847.

Mr. GREENE here read the following extract:

"We hear much just now of a *panacea* for the dangers and evils of slavery and slave annexation, which they call the '*Wilmot Proviso*.' That certainly is a just sentiment, but it is not a sentiment to found any new party upon. It is not a sentiment on which Massachusetts Whigs differ. There is not a man in this hall who holds to it more firmly than I do, nor one who adheres to it more than another.

"I feel some little interest in this matter, sir. Did not I commit myself in 1838 to the whole doctrine, fully, entirely? And I must be permitted to say, that I cannot quite consent that more recent discoverers should claim the merit and take out a patent.

"I deny the priority of their invention. Allow me to say, sir, it is not their thunder. . . .

"We are to use the first, and last, and every occasion which offers, to oppose the extension of slave power.

"But I speak of it here, as in Congress, as a political question—a question for statesmen to act upon. We must so regard it. I certainly do not mean to say that it is less important in a moral point of view—that it is not more important in many other points of view; but, as a legislator, or in any official capacity, I must look at it, consider it, and decide it, as a matter of political action."

Mr. WEBSTER. On other occasions, in debates here, I have expressed my determination to vote for no acquisition, or cession, or annexation, North or South, East or West. My opinion has been, that we have territory enough, and that we should follow the Spartan maxim, "Improve, adorn what you have, seek no farther." I think that it was in some observations that I made here on the three million loan bill, that I avowed that sentiment. In short, sir, the sentiment has been avowed quite as often, in as many places, and before as many assemblages, as any humble sentiments of mine ought to be avowed.

But now that, under certain conditions, Texas is in, with all her territories, as a slave State, with a solemn pledge that if she is divided into many States, those States may come in as slave States south of 36° 30′, how are we to deal with this subject? I know no way of honorable legislation, when the proper time comes for the enactment, but to carry into effect all that we have stipulated to do. I do not entirely agree with my honorable friend from Tennessee, [Mr. BELL,] that, as soon as the time comes when she is entitled to another Representative, we should create a new State. The rule in regard to it I take to be this: that when we have created new States out of territories, we have generally gone upon the idea, that when there is population enough to form a State—sixty thousand, or some such thing—we would create a State; but it is quite a different thing when a State is divided, and two or more States made out of it. It does not follow, in such a case, that the same rule of apportionment should be applied. That, however, is a matter for the consideration and discretion of Congress, when the proper time arrives. I may not then be here—I may have no vote to give on the occasion; but I wish it to be distinctly understood, to-day, that according to my view of the matter, this Government is solemnly pledged, by law and contract, to create new States out of Texas, with her consent, when her population shall justify such a proceeding, and so far as such States are formed out of Texan territory lying south of 36° 30′, to let them come in as slave States. The time of admission, and requisite population, must depend, of course, on the discretion of Congress. But when new States shall be formed out of Texas, they have a fixed right to come into the Union as slave States. That is the meaning of the resolution which our friends, the northern Democracy, have left us to fulfill; and I, for one, mean to fulfill it, because I will not violate the faith of the Government.

Now, as to California and New Mexico, I hold slavery to be excluded from those territories by a law even superior to that which admits and sanctions it in Texas—I mean the law of nature—of physical geography—the law of the formation of the earth. That law settles forever, with a strength

beyond all terms of human enactment, that slavery cannot exist in California or New Mexico. Understand me, sir—I mean slavery as we regard it; slaves in gross, of the colored race, transferable by sale and delivery, like other property. I shall not discuss the point, but leave it to the learned gentlemen who have undertaken to discuss it; but I suppose there is no slave of that description in California now. I understand that *peonism*, a sort of penal servitude, exists there; or, rather, a voluntary sale of a man and his offspring for debt, as it is arranged and exists in some parts of California and New Mexico. But what I mean to say is, that African slavery, as we see it among us, is as utterly impossible to find itself, or to be found in Mexico, as any other natural impossibility. California and New Mexico are Asiatic, in their formation and scenery. They are composed of vast ridges of mountains, of enormous height, with broken ridges and deep valleys. The sides of these mountains are barren—entirely barren—their tops capped by perennial snow. There may be in California, now made free by its constitution—and no doubt there are—some tracts of valuable land. But it is not so in New Mexico. Pray, what is the evidence which every gentleman must have obtained on this subject, from information sought by himself or communicated by others? I have inquired, and read all I could find, in order to obtain information on this important question. What is there in New Mexico that could by any possibility induce anybody to go there with slaves? There are some narrow strips of tillable land on the borders of the rivers; but the rivers themselves dry up before mid-summer is gone. All that the people can do, is to raise some little articles—some little wheat for their tortillas—and all that by irrigation. And who expects to see a hundred black men cultivating tobacco, corn, cotton, rice, or anything else, on lands in New Mexico, made fertile only by irrigation? I look upon it, therefore, as a fixed fact, to use an expression current at this day, that both California and New Mexico are destined to be free, so far as they are settled at all, which I believe, especially in regard to New Mexico, will be very little for a great length of time—free by the arrangement of things by the Power above us. I have therefore to say, in this respect also, that this country is fixed for freedom, to as many persons as shall ever live there, by as irrepealable and a more irrepealable law, than the law that attaches to the right of holding slaves in Texas; and I will say further, that if a resolution, or a law, were now before us, to provide a territorial government for New Mexico, I would not vote to put any prohibition into it whatever. The use of such a prohibition would be idle, as it respects any effect it would have upon the territory; and I would not take pains to reaffirm an ordinance of nature, nor to reënact the will of God. And I would put in no Wilmot proviso, for the purpose of a taunt or a reproach. I would put into it no evidence of the votes of superior power, to wound the pride, even whether a just pride, a rational pride, or an irrational pride—to wound the pride of the gentlemen who belong to the southern States. I have no such object—no such purpose. They would think it a taunt—an indignity. They would think it to be an act taking away from them what they regard a proper equality of privilege; and whether they expect to realize any benefit from it or not, they would think it a theoretic wrong—that something more or less derogatory to their character and their rights had taken place. I propose to inflict no such wound upon any body, unless something essentially important to the country, and efficient to the preservation of liberty and freedom, is to be effected. Therefore, I repeat, sir—and I repeat it because I wish it to be understood—that I do not propose to address the Senate often on this subject. I desire to pour out all my heart in as plain a manner as possible; and I say again, that if a proposition were now here for a government for New Mexico, and it was moved to insert a provision for a prohibition of slavery, I would not vote for it.

Now, Mr. President, I have established, so far as I proposed to go into any line of observation to establish, the proposition with which I set out, and upon which I propose to stand or fall; and that is, that the whole territory of the States in the United States, or in the newly-acquired territory of the United States, has a fixed and settled character, now fixed and settled by law, which can not be repealed in the case of Texas, without a violation of public faith, and can not be repealed by any human power in regard to California or New Mexico; that, under one or other of these laws, every foot of territory in the States, or in the Territories, has now received a fixed and decided character.

Sir, if we were now making a Government for New Mexico, and any body should propose a Wilmot proviso, I should treat it exactly as Mr. Polk treated that provision for excluding slavery from Oregon. Mr. Polk was known to be in opinion decidedly averse to the Wilmot proviso; but he felt the necessity of establishing a government for the Territory of Oregon, and, though the proviso was there, he knew it would be entirely nugatory; and, since it must be entirely nugatory, since it took away no right, no describable, no estimable, no weighable, or tangible right of the South, he said he would sign the bill for the sake of enacting a law to form a Government in that Territory, and let that entirely useless, and, in that connection, entirely senseless, proviso remain. For myself, I will say that we hear much of the annexation of Canada; and if there be any man, any of the northern Democracy, or any one of the Free-Soil party, who supposes it necessary to insert a Wilmot proviso in a Territorial Government for New Mexico, that man will of course be of opinion that it is necessary to protect the everlasting snows of Canada from the foot of slavery, by the same overpowering wing of an act of Congress. Sir, wherever there is a particular good to be done—wherever there is a foot of land to be staid back from becoming slave territory—I am ready to assert the principle of the exclusion of slavery. I am pledged to it from the year 1837; I have been pledged to it again and again; and I will perform those pledges; but I will not do a thing unnecessary, that wounds the feelings of others, or that does disgrace to my own understanding.

Mr. President, in the excited times in which we live, there is found to exist a state of crimination and recrimination between the North and the South. There are lists of grievances produced by each; and those grievances, real or supposed, alienate the minds of one portion of the country from the other, exasperate the feelings, subdue the sense of fraternal connection, and patriotic love,

and mutual regard. I shall bestow a little attention, sir, upon these various grievances, produced on the one side and on the other. I begin with the complaints of the South: I will not answer, farther than I have, the general statements of the honorable Senator from South Carolina, that the North has grown upon the South in consequence of the manner of administering this Government, in the collecting of its revenues, and so forth. These are disputed topics, and I have no inclination to enter into them. But I will state these complaints, especially one complaint of the South, which has in my opinion just foundation; and that is, that there has been found at the North, among individuals and among the Legislatures of the North, a disinclination to perform, fully, their constitutional duties, in regard to the return of persons bound to service, who have escaped into the free States. In that respect, it is my judgment that the South is right, and the North is wrong. Every member of every northern Legislature is bound, by oath, like every other officer in the country, to support the Constitution of the United States; and this article of the Constitution, which says to these States, they shall deliver up fugitives from service, is as binding in honor and conscience as any other article. No man fulfills his duty in any Legislature who sets himself to find excuses, evasions, escapes from this constitutional obligation. I have always thought that the Constitution addressed itself to the Legislatures of the States themselves, or to the States themselves. It says, that those persons escaping to other States, shall be delivered up, and I confess I have always been of the opinion, that it was an injunction upon the States themselves. When it is said that a person escaping into another State, and becoming therefore within the jurisdiction of that State, shall be delivered up, it seems to me the import of the passage is, that the State itself, in obedience to the Constitution, shall cause him to be delivered up. That is my judgment. I have always entertained that opinion, and I entertain it now. But when the subject, some years ago, was before the Supreme Court of the United States, the majority of the judges held that the power, to cause fugitives from service to be delivered up, was a power to be exercised under the authority of this Government. I do not know, on the whole, that it may not have been a fortunate decision. My habit is to respect the result of judicial deliberations and the solemnity of judicial decisions. But, as it now stands, the business of seeing that these fugitives are delivered up, resides in the power of Congress, and the national judicature, and my friend at the head of the Judiciary Committee has a bill on the subject, now before the Senate, with some amendments to it, which I propose to support, with all its provisions, to the fullest extent. And I desire to call the attention of all sober-minded men, of all conscientious men, in the North, of all men who are not carried away by any fanatical idea, or by any false idea whatever, to their constitutional obligations. I put it to all the sober and sound minds at the North, as a question of morals and a question of consience, What right have they, in all their legislative capacity, or any other, to endeavor to get round this Constitution, to embarrass the free exercise of the rights secured by the Constitution, to the persons whose slaves escape from them? None at all—none at all. Neither in the forum of conscience, nor before the face of the Constitution, are they justified, in my opinion. Of course, it is a matter for their consideration. They probably, in the turmoil of the times, have not stopped to consider of this; they have followed what seemed to be the current of thought and of motives as the occasion arose, and neglected to investigate fully the real question, and to consider their constitutional obligations, as I am sure, if they did consider, they would fulfill them with alacrity. Therefore, I repeat, sir, that here is a ground of complaint against the North, well founded, which ought to be removed—which it is now in the power of the different departments of this Government to remove—which calls for the enactment of proper laws, authorizing the judicature of this Government, in the several States, to do all that is necessary for the recapture of fugitive slaves, and for the restoration of them to those who claim them. Wherever I go, and whenever I speak on the subject—and when I speak here, I desire to speak to the whole North—I say that the South has been injured in this respect, and has a right to complain; and the North has been too careless of what I think the Constitution peremptorily and emphatically enjoins upon it as a duty.

Complaint has been made against certain resolutions that emanate from Legislatures at the North, and are sent here to us, not only on the subject of slavery in this District, but sometimes recommending Congress to consider the means of abolishing slavery in the States. I should be sorry to be called upon to present any resolutions here which could not be referable to any committee or any power in Congress, and, therefore, I should be unwilling to receive from the Legislature of Massachusetts any instructions to present resolutions expressive of any opinion whatever on the subject of slavery, as it exists at the present moment in the States, for two reasons; because—first, I do not consider that the Legislature of Massachusetts has anything to do with it; and next, I do not consider that I, as her representative here, have anything to do with it. Sir, it has become, in my opinion, quite too common; and if the Legislatures of the States do not like that opinion, they have a great deal more power to put it down, than I have to uphold it. It has become, in my opinion, quite too common a practice for the State Legislatures to present resolutions here on all subjects, and to instruct us here on all subjects. There is no public man that requires instruction more than I do, or who requires information more than I do, or desires it more heartily; but I do not like to have it come in too imperative a shape. I took notice, with pleasure, of some remarks upon this subject made the other day in the Senate of Massachusetts, by a young man of talent and character, from whom the best hopes may be entertained. I mean Mr. Hilliard. He told the Senate of Massachusetts that he would vote for no instructions whatever to be forwarded to members of Congress, nor for any resolutions to be offered, expressive of the sense of Massachusetts, as to what their members of Congress ought to do. He said that he saw no propriety in one set of public servants giving instructions and reading lectures to another set of public servants. To their own master, all of them must stand or fall, and that master is their constituents. I wish these sentiments could become more common—a great deal more common. I have never entered into the question, and never

shall, about the binding force of instructions. I will, however, simply say this: if there be any matter of interest pending in this body, while I am a member of it, in which Massachusetts has an interest of her own not adverse to the general interest of the country, I shall pursue her instructions with gladness of heart, and with all the efficiency which I can bring to the occasion But if the question be one which affects her interest, and at the same time affects the interests of all other States, I shall no more regard her political wishes or instructions, than I would regard the wishes of a man who might appoint me an arbitrator or referee, to decide some question of important private right, and who might *instruct* me to decide in his favor. If ever there was a government upon earth, it is this Government; if ever there was a body upon earth, it is this body, which should consider itself as composed by agreement of all, appointed by some, but organized by the general consent of all, sitting here under the solemn obligations of oath and conscience, to do that which they think is best for the good of the whole.

Then, sir, there are those abolition societies, of which I am unwilling to speak, but in regard to which I have very clear notions and opinions. I do not think them useful. I think their operations for the last twenty years have produced nothing good or valuable. At the same time, I know thousands of them are honest and good men; perfectly well-meaning men. They have excited feelings; they think they must do something for the cause of liberty; and in their sphere of action, they do not see what else they can do, than to contribute to an abolition press, or an abolition society, or to pay an abolition lecturer. I do not mean to impute gross motives even to the leaders of these societies, but I am not blind to the consequences. I cannot but see what mischiefs their interference with the South has produced. And is it not plain to every man? Let any gentleman who doubts of that, recur to the debates in the Virginia House of Delegates in 1832, and he will see with what freedom a proposition, made by Mr. Randolph for the gradual abolition of slavery, was discussed in that body. Every one spoke of slavery as he thought; very ignominious and disparaging names and epithets were applied to it. The debates in the House of Delegates on that occasion, I believe, were all published. They were read by every colored man who could read, and if there were any who could not read, those debates were read to them by others. At that time Virginia was not unwilling nor afraid to discuss this question, and to let that part of her population know as much of it as they could learn. That was in 1832. As has been said by the honorable member from Carolina, these abolition societies commenced their course of action in 1835. It is said—I do not know how true it may be—that they sent incendiary publications into the slave States; at any event, they attempted to arouse, and did arouse, a very strong feeling; in other words, they created great agitation in the North against southern slavery. Well, what was the result? The bonds of the slaves were bound more firmly than before; their rivets were more strongly fastened. Public opinion, which in Virginia had begun to be exhibited against slavery, and was opening out for the discussion of the question, drew back and shut itself up in its castle. I wish to know whether any body in Virginia can, now, talk as Mr. Randolph, Gov. McDowell, and others talked there, openly, and sent their remarks to the press, in 1832. We all know the fact, and we all know the cause, and everything that this agitating people have done, has been, not to enlarge, but to restrain, not to set free, but to bind faster, the slave population of the South. That is my judgment. Sir, as I have said, I know many Abolitionists in my own neighborhood, very honest good people, misled, as I think, by strange enthusiasm; but they wish to do something, and they are called on to contribute, and they do contribute; and it is my firm opinion this day, that within the last twenty years, as much money has been collected and paid to the abolition societies, abolition presses, and abolition lecturers, as would purchase the freedom of every slave, man, woman, and child in the State of Maryland, and send them all to Liberia. I have no doubt of it. But I have yet to learn that the benevolence of these abolition societies has at any time taken that particular turn. [Laughter.]

Again, sir, the violence of the press is complained of. The press violent! Why, sir, the press is violent everywhere. There are outrageous reproaches in the North against the South, and there are reproaches in not much better taste in the South against the North. Sir, the extremists of both parts of this country are violent; they mistake loud and violent talk for eloquence and for reason. They think that he who talks loudest, reasons the best. And this we must expect, when the press is free, as it is here—and I trust always will be—for, with all its licentiousness, and all its evil, the entire and absolute freedom of the press is essential to the preservation of government, on the basis of a free constitution. Wherever it exists, there will be foolish paragraphs, and violent paragraphs, in the press, as there are, I am sorry to say, foolish speeches and violent speeches in both Houses of Congress. In truth, sir, I must say that, in my opinion, the vernacular tongue of the country has become greatly vitiated, depraved, and corrupted, by the style of our congressional debates. [Laughter.] And if it were possible for our debates in Congress to vitiate the principles of the people as much as they have depraved their taste, I should cry out, "God save the Republic."

Well, in all this I see no solid grievance—no grievance presented by the South, within the redress of the Government, but the single one to which I have referred; and that is, the want of a proper regard to the injunction of the Constitution, for the delivery of fugitive slaves.

There are also complaints of the North against the South. I need not go over them particularly. The first and gravest is, that, the North adopted the Constitution, recognizing the existence of slavery in the States, and recognizing the right, to a certain extent, of representation of the slaves in Congress, under a state of sentiment and expectation which do not now exist; and that, by events, by circumstances, by the eagerness of the South to acquire territory, and extend their slave population, the North finds itself, in regard to the influence of the South and the North, of the free States and the slave States, where it never did expect to find itself when they entered the compact of the Constitution. They complain, therefore, that, instead of slavery being regarded as an evil, as it was then,

an evil, which all hoped would be extinguished gradually, it is now regarded by the South as an institution to be cherished, and preserved, and extended—an institution which the South has already extended to the utmost of her power by the acquisition of new territory. Well, then, passing from that, everybody in the North reads; and everybody reads whatsoever the newspapers contain; and the newspapers, some of them—especially those presses to which I have alluded—are careful to spread about among the people every reproachful sentiment uttered by any southern man bearing at all against the North—everything that is calculated to exasperate, to alienate; and there are many such things, as everybody will admit, from the South, or some portion of it, which are spread abroad among the reading people; and they do exasperate, and alienate, and produce a most mischievous effect upon the public mind at the North. Sir, I would not notice things of this sort appearing in obscure quarters; but one thing has occurred in this debate which struck me very forcibly. An honorable member from Louisiana addressed us the other day on this subject. I suppose there is not a more amiable and worthy gentleman in this chamber, nor a gentleman who would be more slow to give offense to anybody, and he did not mean in his remarks to give offense. But what did he say? Why, sir, he took pains to run a contrast between the slaves of the South and the laboring people of the North, giving the preference in all points of condition, and comfort, and happiness, to the slaves of the South. The honorable member doubtless did not suppose that he gave any offense, or did any injustice. He was merely expressing his opinion. But does he know how remarks of that sort will be received by the laboring people of the North? Why, who are the laboring people of the North? They are the North. They are the people who cultivate their own farms with their own hands—freeholders, educated men, independent men. Let me say, sir, that five sixths of the whole property of the North, is in the hands of the laborers of the North; they cultivate their farms, they educate their children, they provide the means of independence; if they are not freeholders, they earn wages; these wages accumulate, are turned into capital, into new freeholds; and small capitalists are created. That is the case, and such the course of things, with us, among the industrious, and frugal. And what can these people think when so respectable and worthy a gentleman as the member from Louisiana, undertakes to prove that the absolute ignorance, and the abject slavery of the South, is more in conformity with the high purposes and destinies of immortal, rational, human beings, than the educated, the independent free laborers of the North?

There is a more tangible, and irritating cause of grievance, at the North. Free blacks are constantly employed in the vessels of the North, generally as cooks or stewards. When the vessel arrives, these free colored men, are taken on shore, by the police or municipal authority, imprisoned, and kept in prison, till the vessel is again ready to sail. This is not only irritating, but exceedingly inconvenient in practice, and seems altogether unjustifiable, and oppressive. Mr. Hoar's mission, some time ago, to South Carolina, was a well-intended effort to remove this cause of complaint. The North thinks such imprisonment illegal, and unconstitutional; as the cases occur constantly and frequently, they think it a great grievance.

Now, sir, so far as any of these grievances have their foundation in matters of law, they can be redressed, and ought to be redressed; and so far as they have foundation in matters of opinion, in sentiment, in mutual crimination and recrimination, all that we can do is, to endeavor to allay the agitation, and cultivate a better feeling and more fraternal sentiments between the South and the North.

Mr. President, I should much prefer to have heard, from every member on this floor, declarations of opinion that this Union should never be dissolved, than the declaration of opinion that in any case, under the pressure of any circumstances, such a dissolution was possible. I hear with pain, and anguish, and distress, the word secession, especially when it falls from the lips of those who are eminently patriotic, and known to the country, and known all over the world, for their political services. Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish—I beg everybody's pardon—as to expect to see any such thing? Sir, he who sees these States, now revolving in harmony around a common centre, and expects to see them quit their places and fly off without convulsion, may look the next hour to see the heavenly bodies rush from their spheres, and jostle against each other in the realms of space, without producing the crush of the universe. There can be no such thing as a peaceable secession. Peaceable secession is an utter impossibility. Is the great Constitution under which we live here—covering this whole country—is it to be thawed and melted away by secession, as the snows on the mountain melt under the influence of a vernal sun—disappear almost unobserved, and die off? No, sir! no, sir! I will not state what might produce the disruption of the States; but, sir, I see it as plainly as I see the sun in heaven—I see that disruption must produce such a war as I will not describe, in its twofold characters.

Peaceable secession! peaceable secession! The concurrent agreement of all the members of this great Republic to separate! A voluntary separation, with alimony on one side and on the other. Why, what would be the result? Where is the line to be drawn? What States are to secede? What is to remain American? What am I to be?—an American no longer? Where is the flag of the Republic to remain? Where is the eagle still to tower? or is he to cower, and shrink, and fall to the ground? Why, sir, our ancestors—our fathers, and our grandfathers, those of them that are yet living among us with prolonged lives—would rebuke and reproach us; and our children, and our grandchildren, would cry out, Shame upon us! if we, of this generation, should dishonor these ensigns of the power of the Government, and the harmony of the Union, which is every day felt among us with so much joy and gratitude. What is to become of the army? What is to become of the navy? What is to become of the public lands? How is each of the thirty States to defend itself? I know,

although the idea has not been stated distinctly, there is to be a southern Confederacy. I do not mean, when I allude to this statement, that any one seriously contemplates such a state of things. I do not mean to say that it is true, but I have heard it suggested elsewhere, that that idea has originated in a design to separate. I am sorry, sir, that it has ever been thought of, talked of, or dreamed of, in the wildest flights of human imagination. But the idea must be of a separation, including the slave States upon one side, and the free States on the other. Sir, there is not—I may express myself too strongly perhaps—but some things, some moral things, are almost as impossible, as other natural or physical things; and I hold the idea of a separation of these States—those that are free to form one government, and those that are slaveholding to form another—as a moral impossibility. We could not separate the States by any such line, if we were to draw it. We could not sit down here to-day, and draw a line of separation, that would satisfy any five men in the country. There are natural causes that would keep and tie us together, and there are social and domestic relations which we could not break, if we would, and which we should not, if we could. Sir, nobody can look over the face of this country at the present moment—nobody can see where its population is the most dense and growing—without being ready to admit, and compelled to admit, that, ere long, America will be in the valley of the Mississippi.

Well, now, sir, I beg to inquire what the wildest enthusiast has to say, on the possibility of cutting off that river, and leaving free States at its source and its branches, and slave States down near its mouth? Pray, sir—pray, sir, let me say to the people of this country, that these things are worthy of their pondering and of their consideration. Here, sir, are five millions of freemen in the free States north of the river Ohio: can anybody suppose that this population can be severed by a line that divides them from the territory of a foreign and an alien government, down somewhere, the Lord knows where, upon the lower banks of the Mississippi? What will become of Missouri? Will she join the arrondissement of the slave States? Shall the man from the Yellow Stone and the Platte be connected in the new Republic with the man who lives on the southern extremity of the Cape of Florida? Sir, I am ashamed to pursue this line of remark. I dislike it—I have an utter disgust for it. I would rather hear of natural blasts and mildews, war, pestilence, and famine, than to hear gentlemen talk of secession. To break up! to break up this great Government! to dismember this great country! to astonish Europe with an act of folly, such as Europe for two centuries has never beheld in any government! No, sir! no, sir! There will be no secession. Gentlemen are not serious when they talk of secession.

Sir, I hear there is to be a Convention held at Nashville. I am bound to believe that if worthy gentlemen meet at Nashville in Convention, their object will be to adopt counsels conciliatory—to advise the South to forbearance and moderation, and to advise the North to forbearance and moderation, and to inculcate principles of brotherly love, and affection, and attachment to the Constitution of the country, as it now is. I believe, if the Convention meet at all, it will be for this purpose; for certainly, if they meet for any purpose hostile to the Union, they have been singularly inappropriate in their selection of a place. I remember, sir, that when the treaty was concluded between France and England, at the peace of Amiens, a stern old Englishman and an orator, who disliked the terms of the peace as ignominious to England, said in the House of Commons, that if King William could know the terms of that treaty, he would turn in his coffin. Let me commend this saying of Mr. Windham, in all its emphasis and in all its force, to any persons who shall meet at Nashville for the purpose of concerting measures for the overthrow of the Union of this country, over the bones of Andrew Jackson.

Sir, I wish to make two remarks, and hasten to a conclusion. I wish to say, in regard to Texas, that if it should be hereafter at any time the pleasure of the Government of Texas to cede to the United States a portion, larger or smaller, of her territory which lies adjacent to New Mexico and north of the 34° of north latitude, to be formed into free States, for a fair equivalent in money, or in the payment of her debt, I think it an object well worthy the consideration of Congress, and I shall be happy to concur in it myself, if I should be in the public counsels of the country at the time.

I have one other remark to make: In my observations upon slavery as it has existed in the country, and as it now exists, I have expressed no opinion of the mode of its extinguishment or melioration. I will say, however, though I have nothing to propose on that subject, because I do not deem myself so competent as other gentlemen to consider it, that if any gentleman from the South shall propose a scheme of colonization, to be carried on by this government upon a large scale, for the transportation of free colored people to any colony or any place in the world, I should be quite disposed to incur almost any degree of expense to accomplish that object. Nay, sir, following an example set here more than twenty years ago, by a great man, then a Senator from New York, I would return to Virginia, and through her for the benefit of the whole South, the money received from the lands and territories ceded by her to this Government, for any such purpose as to relieve, in whole or in part, or in any way, to diminish or deal beneficially with, the free colored population of the southern States. I have said that I honor Virginia for her cession of this territory. There have been received into the treasury of the United States eighty millions of dollars, the proceeds of the sales of the public lands ceded by Virginia. If the residue should be sold at the same rate, the whole aggregate will exceed two hundred millions of dollars. If Virginia and the South see fit to adopt any proposition to relieve themselves from the free people of color among them, they have my free consent that the Government shall pay them any sum of money out of its proceeds which may be adequate to the purpose.

And now, Mr. President, I draw these observations to a close. I have spoken freely, and I meant to do so. I have sought to make no display; I have sought to enliven the occasion by no animated discussion; nor have I attempted any train of elaborate argument. I have sought only to speak

my sentiments, fully and at large, being desirous, once and for all, to let the Senate know, and to let the country know, the opinions and sentiments which I entertain on all these subjects. These opinions are not likely to be suddenly changed. If there be any future service that I can render to the country, consistently with these sentiments and opinions, I shall cheerfully render it. If there be not, I shall still be glad to have had an opportunity to disburden my conscience from the bottom of my heart, and to make known every political sentiment that therein exists.

And now, Mr. President, instead of speaking of the possibility or utility of secession, instead of dwelling in these caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible, let us come out into the light of day; let us enjoy the fresh air of liberty and union; let us cherish those hopes which belong to us; let us devote ourselves to those great objects that are fit for our consideration and our action; let us raise our conceptions to the magnitude and the importance of the duties that devolve upon us; let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destiny; let us not be pigmies in a case that calls for men. Never did there devolve, on any generation of men, higher trusts than now devolve upon us for the preservation of this Constitution, and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest, and the brightest link, in that golden chain which is destined, I fully believe, to grapple the people of all the States to this Constitution, for ages to come. It is a great popular Constitutional Government, guarded by legislation, by law, by judicature, and defended by the whole affections of the people. No monarchical throne presses these States together; no iron chain of despotic power encircles them; they live and stand upon a Government popular in its form, representative in its character, founded upon principles of equality, and calculated, we hope, to last forever. In all its history, it has been beneficent; it has trodden down no man's liberty; it has crushed no State. Its daily respiration, is liberty and patriotism; its yet youthful veins are full of enterprise, courage, and honorable love of glory and renown. It has received a vast addition of territory. Large before, the country has now, by recent events, become vastly larger. This Republic now extends, with a vast breadth, across the whole continent. The two great seas of the world wash the one and the other shore. We realize on a mighty scale, the beautiful description of the ornamental edging of the buckler of Achilles—

"Now the broad shield complete the artist crowned,
With his last hand, and poured the ocean round;
In living silver seemed the waves to roll,
And beat the buckler's verge, and bound the whole."

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SPEECH

OF

MR. C. H. WILLIAMS, OF TENNESSEE,

ON THE

ADMISSION OF CALIFORNIA.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, MARCH 18, 1850.

The House being in Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California, Mr. WILLIAMS rose and addressed the Committee as follows:

Mr. CHAIRMAN: I have not obtained the floor for the purpose of entering into an argument on the question of slavery. Some weeks ago, when the annual message of the President of the United States was under the consideration of the committee, I made several ineffectual efforts to obtain it. At that time, could I have been so fortunate as to have secured the floor, I desired to have discussed, to the full extent of the hour allotted by the rule, the question of slavery. But since it has been the pleasure of the committee to lay aside the annual message of the President, and to take up the special message relating to California, I desire simply, if I can, to submit to the committee some practical remarks concerning her admission as a State into the Union, and also in respect to the formation of territorial governments for New Mexico and Deseret. The one simple object I have in view, is to make an humble but earnest effort to contribute my mite towards the adjustment of questions which are justly regarded by Congress and the country as paramount, in importance, to all others now claiming its attention

Nor is it my intention, Mr. Chairman, to make use of the opportunity which I have at last obtained, of addressing the committee, by speaking to what is usually designated, "Buncombe." The Buncombe from which I came, speaks to *me* upon questions involving the peace and stability of the Union. The Buncombe from which I came, so far as I know, stands perfectly erect upon those great questions which are now dividing the councils of this nation, and which, as some gentlemen believe, may possibly yet destroy the Government under which we live. Would you have believed, that while honorable gentlemen have been discussing a question of this momentous importance to the country, believing, as they declare themselves to believe, that this Government (the wonder, the boast, the admiration of the age) is on the eve of dissolution—nay, sir, while some of them have even gone so far as to declare that they felt the first convulsive shock which, in every age and country has inevitably, as two and two make four, preceded the cry of "havoc, and let slip the dogs of civil war"—is it not, I ask, strange that honorable gentlemen, while addressing the House on questions involving such awful consequences, should be unable to divest themselves of their partisan feelings, and to come forth as American statesmen, ready, and willing, if need be, to sacrifice themselves on the common altar of their country? And is not such a course to be deeply regretted by every man who desires that this question should be honorably adjusted, and that the public mind should be quieted? I do not follow so erring an exam-

TOWERS, *printer.*

ple. I should be the object of scorn and contempt to myself, if, upon such an occasion, I were capable of indulging a single party feeling, or giving utterance to one partisan sentiment. It is my duty to my constituents, who have placed me on this proud platform of an American statesman, to rise, upon this occasion, above all sectional and party views, and to look broadcast over my whole country. God knows I would be glad to throw oil upon the troubled waters, and would not seek to fan the flame which has already burnt with an alarming brightness; and I would hail with delight any fair and honorable adjustment of the question. Such I conceive to be the duty of every member of the House.

Mr. Chairman, what is the question? Stripped of all extraneous matter, it is simply the question of the formation of territorial governments, and State governments, for the country recently acquired from Mexico. The Government of the United States are owners of a large region of country acquired from Mexico. The citizens of the United States are emigrating to that region, and settling within it. It is the duty of the Congress of the United States to give them protection—territorial governments must be formed—State governments must be formed The question is, shall we give them such governments? No matter whether the acquisition of this country was a wise or an unwise policy—that is not now an open or debatable question. The territory is ours; and the question before us ought to be met with calm deliberation, with an anxious desire to adjust it, and to quiet the public mind.

Two years ago the Congress of the United States owed to California a territorial government; but the question of slavery stalked through this hall like Banquo's ghost, and prevented Congressional action. Congress failed to perform its duty, and left the people of the territory with Colt's pistols and the Bowie knife as the common law of the land—using the language of the Senator from Illinois, (Mr. Douglas.) They had remained so for two years. I appeal to the candor of every gentleman in this House, and I ask, what was the opinion of the South two years ago in relation to the slavery restrictive clause in the formation of territorial governments? By reference to the speech of the distinguished Senator from South Carolina, (Mr. Calhoun,) the answer is easy, simple, and plain. He demanded in the name of the South, (for he always speaks for the entire South,) that a territorial government should be formed, leaving out the slavery restrictive clause—*thus permitting* the citizens of each State, composing the grand confederacy of States, to emigrate to the acquired country, and to take with them whatever was recognised to be property in the State from which they went; and that, when the time arrived to change from a territorial to a State government, they would form a constitution including or excluding slavery, according to their own views of the subject. This was the opinion of the South two years ago—this was the decision taken by the South. It is upon this platform that I now propose to stand. I believe it is all which the South ought to ask or demand. By that platform I am willing to abide. Have the opinions and feelings of the South changed? In my humble and honest opinion, they have changed. She now requires new guaranties. She has assumed a new position in relation to this matter. The continued agitation of the question has excited the public mind, and inflamed the passions of the South, until reason, to a considerable extent at least, has been driven from its throne. If, then, two years ago, the South were in favor of adjusting this question in the manner I have stated, will any gentleman answer me in candor, and say what are the reasons which induced the South to object to the same principle of adjustment now, that she was willing to accept then? What is the objection? It is that the President of the United States has assumed powers not warranted by the Constitution of the United States, and that California asks to be admitted in an irregular manner, without undergoing territorial pupilage. Suppose this objection to have been well taken and true. Is it not the duty of Congress to rise equal to the occasion, and meet it? Suppose there had been errors and mistakes, (which I deny,) and that the adjustment of the question is fraught with

difficulty and danger, does it not become doubly the duty of Congress to adjust it? How has this distinguished Senator from South Carolina acted under the increased difficulty attending this question? Did he come forward here, and stand erect on the Southern platform which he erected two years ago? No, he comes forward and demands new guaranties and an amendment to the Constitution. Does not every man on the face of God's green earth know, that if the South persist in adhering to the course of policy which he has marked out, dissolution is inevitable? Does not the distinguished Senator know that if he could succeed with his amendment to the Constitution, this hostile North, as he describes it, would run rough-shod over that amendment, as quickly as they would over the guaranties of the existing Constitution? The great slave interest of the South is *now* secure and protected by the Constitution. After reading the speech of that great man, I am left to the conclusion, that in his judgment the dissolution of the Union is the sole—the only remedy; that there is no other way of saving this great slave-interest of the South; and for the first time since this slavery agitation first commenced, in the year 1835, he proclaims that the agitation of this question is not the prime, leading, and moving cause of the prevailing discontent of the South. He tells you that the North has become strong, that the equilibrium of political power has been disturbed, and that the slave property of the South is insecure. The following is the language of his speech:

"There is another lying back of it, with which this is intimately connected, that may be regarded as the great and primary cause. That is to be found in the fact that the equilibrum between the two sections in the Government, as it stood when the constitution was ratified, and the Government put in action, has been destroyed. At that time there was nearly a perfect equilibrium between the two, which afforded ample means to each to protect itself against the aggression of the other; but as it now stands one section has the exclusive power of controlling the Government, which leaves the other without any adequate means of protecting itself against its encroachments and oppression. To place this subject distinctly before you, I have, Senators, prepared a brief statistical statement, showing the relative weight of the two sections in the Government, under the first census of 1790, and the last census of 1840."

And how (continued Mr. W.) does he propose to correct and remedy the evils of this deranged equilibrium? He has proposed no remedy, unless the constitutional remedy which he speaks of was designed as one. I am not one of those who believe that an equal number of free and slave States is indispensably requisite to the stability or perpetuity of this Government. His demand is an impossible one, because the All-wise Ruler would have to re-make the country we have acquired, *and prepare it for the profitable adaptation of slave labor*, to which so great a portion is now unsuited. This must be done before the new demand of this distinguished Senator can be complied with

The Constitution of the United States guaranties to the South the great slave interest; and so long as that Constitution stands, we are safe. That interest never can be wrested from us but by a violation of the Constitution, which would inevitably lead to a dissolution of the Union; and in that event the damning deed would rest upon the North, and not upon the South.

Then, Mr Chairman, I am in favor of admitting California into the Union. A great principle is involved in her admission—the right of the people to govern themselves. Such was the opinion of the Secretary of the Navy, (Mr. PRESTON,) who, as a member of this House, two years ago, introduced a bill to admit California. A distinguished Senator from Illinois, (Mr. DOUGLAS.) in the other end of the Capitol, argued ably and powerfully in favor of admitting California, at the same time. I will read an extract from his speech.

Mr. W. read as follows:

"Again: there is a government *de facto* in California. Now, I admit that it is not a good government, and for that reason it ought to have a better one. I admit that it is not a republican government, and in fact not a legal one, and that is the reason why there ought to be a legal government there. California can be admitted as a State upon the principles recognized in the admission of Vermont, Kentucky, and Tennessee, without violating any of the principles of the Constitution—without violence to any practice or act of this Government. It ought to be done

now, sir, and not postponed, for the reason that there are people enough to create a State Government, and for the reason that before another session of this Congress expires, there will be more than enough for three States. At that period, the idea of a Territorial Government will be obselete. The question, then, is this: shall we form a State Government now, giving law and protection to the people of California, or shall we postpone action, wait a period of two years, and then do the same thing? Sir, I trust that if Congress does not act at this session, the people will act for themselves. I trust that they will come together and form a government for themselves. I trust, sir, that Colt's pistols will not continue to be the common law of the land."

Even (continued Mr. W.) the distinguished Senator from South Carolina, in 1847, introduced into the Senate of the United States the following resolution, which clearly justifies and sustains the position, that California ought to be admitted:

"*Resolved*, As a fundamental principle in our political creed, that a people, in forming a constitution, have the unconditional right to form and adopt the government which they think best calculated to secure their liberty, prosperity, and happiness, and in confining them to no other, no other condition is imposed by the Federal Constitution, in order to be admitted into the Union, except that its constitution shall be republican."

The Senator from Louisiana, (continued Mr. W.) also introduced the following resolution, which requires no comment:

"*Resolved*, That it is competent and expedient, and not inconsistent with the practice of the Government, in some cases, to admit California, or such portion of it as Congress may deem proper, immediately into the Union, on an equal footing with the other States, and that the Committee on ——— be instructed to report a bill for that purpose, for that portion of California which lies west of the summit of the Sierra Nevada mountains."—*Congressional Globe, page* 194.

The late President of the United States, (continued Mr. W.,) in his last annual message, from which I make the following extract, congratulates the country upon the fact, that the danger and difficulty growing out of the question would be but of short duration, because California and New Mexico were being settled so rapidly that they would soon form State Governments, and ask to be admitted into the Union:

"In organizing governments over these territories, no duty imposed on Congress by the Constitution, requires that they should legislate on the subject of slavery, while their power to do so is not only seriously questioned, but denied by many of the soundest expounders of that instrument. Whether Congress shall legislate or not, *the people of the acquired territories, when assembled in convention, to form State constitutions, will possess* THE SOLE AND EXCLUSIVE POWER *to determne for themselves whether slavery shall or shall not exist within their limits.* If Congress shall abstain from interfering with the question, the people of these territories will be left free to adjust it as they may think proper, when they apply for admission as States into the Union. No enactment of Congress could restrain the people of any of the Southern States of the Union, old or new, north or south, slaveholding or non-slaveholding, from determining the character of their own domestic institutions as they may deem wise and proper. Any and all of the States possess this right, and Congress cannot deprive them of it. The people of Georgia might, if they chose, so alter their constitution as to abolish slavery within its limits, and the people of Vermont might so alter their constitution as to admit slavery within its limits. Both States would possess the right, though, as all know, it is not probable that either would exert it."

"*It is fortunate for the peace and harmony of the Union that this question is in its nature temporary, and can only continue for the brief period which will intervene before California and New Mexico may be admitted as States into the Union. From the tide of population now flowing into them, it is highly probable that this will soon occur.*"

But (continued Mr. W.) in order to place beyond dispute the position of the Democratic party, in respect to California, the following extract is inserted from the *Union:*

"The South denies that Congress has any jurisdiction over the subject of slavery, and contends that *the people of the territories alone, when they frame a constitution, preparatory to admission into the Union, have no right to speak and be heard on that matter.* This fact being settled, it really seems to us, that this exciting question might be speedily adjusted, if calm councils prevails. The South contends for her honor, and for the great principles of non-intervention and State equality. *Why, then, cannot all unite and permit California to come into the Union as soon as she can frame a constitution?* Then, according to the doctrine which prevails on both sides of Mason's and Dixon's line, she may constitutionally establish her domestic institu-

tion son any basis consistent with republican principles. *The South could lose nothing by adopting this course; on the contrary, she would save all for which she contends.*"

What is it then (continued Mr. W.) that has come over the public mind, and produced this great change in a great party, respecting the admission of California.

My colleague from the Memphis district, (Mr. STANTON,) who now opposes the admission of California, discovered, in the letter of the Secretary of State to Mr. Thomas Butler King, who was sent to California, the remarkable words, "that he was fully in possession of the President's views upon the subject." My colleague made himself merry at these words, and spoke in strong condemnatory terms of the present Administration. From the words referred to, my colleague wishes the country to believe that General Taylor and Thomas Butler King, two Southern men, identified in fortunes and interests with the South, had betrayed the South, and that the mission of Mr. King to California was to procure a constitution excluding slavery, in order to cover up the double-dealing of General Taylor's friends in the late Presidential election. Yet my colleague endorsed Thomas Butler King as a gentleman. Mr. King, in a card published to the world, declares that my colleague was mistaken, that his imputations were untrue, and that he would have scorned to have accepted such a mission and for such a purpose. The President of the United States solemnly denies the inferences of my colleague, as the following extract from his special message will clearly show:

"I did not hesitate to express to the people of those territories my desire that each territory should, if prepared to comply with the requisitions of the Constitution of the United States, form a plan of a State constitution, and submit the same to Congress, with a prayer for admission into the Union as a State; but I did not anticipate, suggest, or authorize the establishment or any such government without the assent of Congress; nor did I authorize any government agent of officer to interfere with, or exercise any influence or control over the election of delegates, or over any convention, in making or modifying their domestic institutions, or any of the provisions of their proposed constitution. On the contrary, the instructions given by my orders were, that all measures of domestic policy, adopted by the people of California, must originate solely with themselves; that while the Executive of the United States was desirous to protect them in the formation of any Government, republican in its character, to be at the proper time submitted to Congress, yet it was to be distinctly understood, that the plan of such a government must, at the same time, be the result of their own deliberate choice, and originate with themselves, without the interference of the Executive."

So completely (continued Mr. W.) did my colleague lash himself into a burst of indignation against the President and Thomas Butler King, that he declared his willingness to dissolve the Union, if California was admitted under these circumstances, as the following extract from his speech will demonstrate:

"It may be possible that the dominant majority in the two houses of Congress will have the strength to secure the admission of California, and that they will blindly exercise the power they possess. I hope that I will never see that fatal day; but should it come, in spite of my feeble deprecations, I shall be ready to meet it with whatever sacrifices may be necessary to defend the people I represent. It is possible that the people of the South may not, at first, understand the full extent of their danger; it is possible the evil day of separation may be postponed yet a while longer; but I solemnly believe that day must come, as the inevitable consequence of the act it is proposed to accomplish."

Mr. STANTON (interposing) was understood to remark, that he thought his colleague was doing him injustice—that in some aspects of the case he was in favor of the admission of California.

Mr. WILLIAMS, (continuing.) I am not disposed to do injustice to my colleague, I have a high personal regard for him, and will publish an extract from his speech, from which I have drawn my opinions of his views. His whole speech clearly conveyed the idea that a dissolution of the Union was inevitable—that it could not be prevented—that it might be delayed for a season, but that if California were admitted he would arm himself *cap a-pie*, draw the sword, throw away the scabbard, rush into the thickest of the fight, with the war cry,

——————"Lay on Macduff,
And damn'd be he who first cries, Hold; enough!"

My colleague, who was contemplating such a horrid destiny for his country as a dissolution of the Union—civil war and bloodshed—believing that this Government was tumbling to pieces around him, paused to give a few partisan stabs to the brave old hero at the other end of the avenue, who had staked his life on many a well-fought field of battle, and whose patriotism had won for himself and his country immortal glory. And what had the President done to justify the onslaught of my colleague?

He found that Congress had failed in a most important duty to California; and he sent a special messenger there to tell them to form a government for themselves, and that he would recommend it to the favorable consideration of the Congress of the United States.

I know that the Congress of the United States has the power, if it should think proper to exercise it, to reject the application of California, and it will be its duty to do so, if they should be of opinion that the interest of any portion of the country would be benefitted thereby. But is there a man living who believes, that if Congress should reject California as a State, remand her to a territorial condition, and permit her to remain so two or five years, a slave State could or would be formed there?

Mr. STANTON, of Tennessee, interposed, and asked if Mr. W. was willing to admit California independent of all other questions?

Mr. W. continued. I will come to that directly. I have no opinions that I will conceal. If no object can be accomplished by remanding California back to a state of territorial dependence, what is your object, gentlemen of the South, in opposing her admission as a State, when the fact stares us in the face, that every member of the convention was opposed to slavery, and that there was no undue influence used by the President, or his agent, (T. Butler King,) who both solemnly declare that they did not attempt to control public sentiment there, and when you find that they are sustained in their declarations by the Senators and members of Congress elect from California?

Mr. Chairman, though I have thus argued in favor of the admission of California, and believe it to be right that she should be admitted, yet unless the entire question of slavery, growing out of our recent territorial acquisitions, can be settled on some satisfactory basis, *I am not now certain that I will* vote for her admission. I owe it to the excited feelings of the South, to try and make the California question the basis-power by which the whole question can be adjusted.

I trust we shall soon see satisfactory manifestations that California can be admitted into the Union, and that territorial governments can be formed without the Wilmot proviso.

Probably, Mr. Chairman, it is not necessary for me to say anything more in relation to the admission of California. I have felt it to be my duty, humble as I am, to protest against the speech of the distinguished Senator from South Carolina, as not speaking the sentiments of the South. I now propose to speak of the power of Congress over the question of slavery in the territories. I have ever believed, as I believe now, that Congress has the power to legislate on the question of slavery in the territories. That is my opinion. It is a power that springs from the nature and necessity of the thing. It is either true, or it is not true, that Congress has the power to acquire territory. If this Government has the power to acquire, have they not the power to control it? I would to God that I could believe they had no such power, because then I should know that the great interests of the South were protected by the genius of the Constitution—I should know that we could appeal to the judicial tribunals of the country for protection. A dissolution of this Union by an unconstitutional exercise of power, never can take place, so long as the Supreme Court of the United States remains pure and firm. It can only be dissolved when the Government, in the exercise of a given power, so uses its power that forbearance ceases to be a virtue. In that case, nothing would be left but the inherent right of revolution.

I listened to the speech of my friend from Alabama, (Mr. HILLIARD,) with great pleasure. I listened also with great pleasure to the remarks of my distinguished friend from Georgia, (Mr. WELLBORN,) over the way, who, when the debate was raging fiercely, made a speech which did honor alike to his head and heart. It awakened every patriotic emotion of my soul. But what did these gentlemen propose? They both propose to prove that Congress has no power to legislate upon the subject. Yet each gentleman closed his remarks by proposing, as a compromise, that Congress should exercise its authority—thus placing it out of my power, if they had convinced me of the truth of their positions, to vote for their compromises. I believe that a majority of the people of the South believe that the power is not in the Government. I believe that it is there; it is an incidental power. Conceding the power, I would address myself to the members of this House from the North. You are, aware, gentlemen, that there is not a man in the slave States, but who believes either that it is unconstitutional, or a high-handed, tyrannical, and aggressive use of a delegated power placed in trust in your hands. Knowing this to be so, and seeing the feeling which pervades the Southern portion of this country in relation to it, it is your duty to refrain from the exercise. No doubt gentlemen lay the flattering unction to their souls, that they are governed, in their support of the Wilmot proviso, by their ardor in the cause of human liberty, when, in truth, it is a struggle for popularity, power, and place. Both of the great parties of the North have been "billing and cooing" with the Abolition party, until they have produced such a state of public feeling and excitement in the North, that, in the language of the gentleman from Ohio, (Mr. ROOT,) "they are afraid to face the music." It is for their own interest: and if gentlemen will give me their ears for three minutes, I will make it appear as clear as the sun at mid-day, that no other motive can guide them. And I will do so by your own arguments.

Do you not know, gentlemen of the North, that you have three millions more inhabitants in the North than we have in the South? Do you not know that New Mexico and Deseret are now opposed to slavery? Do you not aver, and brag, and boast, in your places, that outside of the fifteen slave States, the whole civilized world is opposed to the extension of slavery? Do you not know that you charge in your places, that this is now free territory, and that if a man carries his slaves there, they will be emancipated? Do you not know the additional fact, that you have the power *here*; and if your position is true, that that is now free territory, slavery cannot exist there but by positive enactment? Who is to enact it? Not the people of the territory, for you know they are opposed to it. Surely you would not, with all your pretended love of human liberty here, pass a law forcing slavery upon the people there. You think more of your popularity than you do of your country. I advise you to resign your seats, go home, and let men come here who have feelings as broad as the whole country.

You charge, that it is the design of the South to force slavery into territory now free. This is a slander upon the position of the South. No such argument has been advanced. The South only asks you to leave it to the chances—the soil—the climate—the distance: ninety-nine chances out of a hundred are in your favor: are you not willing to trust us with the hundreth chance? When pressed by arguments like these, you are driven to the wall, and ensconce yourself behind the Bible and the Declaration of Independence, which you use for your own purposes, as "sounding brass or a tinkling cymbal," to tickle the ears of the people. Why do you pursue this course? Why not come up and adjust the question? Do but this, and the question of slavery in the District of Columbia—of the slave trade between the States—of the fugitives slaves—will all follow the adjustment of the principal issue.

I have heard several members on the other side of the House declare their willingness to trample under foot the Wilmot proviso, and so to quiet the public mind; and I am also informed, from a reliable source, that there are twenty

Democrats, members from free States, willing to risk their popularity, and settle the question and on terms demanded by the South two years ago. I honor them both for their patriotism and their courage. It has been my boast that I had ever belonged to the great conservative party of the Union—to the Whig party. It is a mortifying fact to me, that up to this hour, no Whig in the House of Representatives has yet avowed, in his place, his determination to follow the self-sacrificing example that has been set on the other side. I have ever believed that the Whig party was the great conservative party of the Union. The hour of trial is upon us, and if that great party should now fail of its duty, and should not come up to the just expectations of the country, I am for a dissolution, not of the Union, but of the Whig party. And be assured, gentlemen, that if you turn a deaf ear to our reasonable appeals to your justice, in this hour of tribulation, when you call upon us for sympathy in regard to matters in which you feel a deep, sectional interest, our response will be, Away, we know you not. But I still have confidence that we shall receive at the hands of the North the aid which we require; but not from such members as the gentleman from Pennsylvania, (Mr. STEVENS,) and the gentleman from Massachusetts, (Mr. MANN.) The gentleman from Pennsylvania grossly slandered the South. He forced upon me the conviction that, at some period of his life, he had been a political bankrupt, that he was here by accident, and that he had made a desperate, a reckless, and I may say, a dare-devil move to obtain a forward position in Pennsylvania, on what he deemed to be a popular hobby. The gentleman from Massachusetts has been referred to so often that I allude to him with reluctance. He described in glowing colors the miseries and ruin that would inevitably follow a dissolution of the Union; yet, when appealed to, in view of all the horrors he had depicted, to say whether he would not yield something to save his country from a fate so deplorable he replied that he would not; thus proving that he belonged to the same party as the Senator from New York, (Mr. SEWARD,) who in his place, declared that he was willing "to re-enact the laws of God"—that there was a power higher than the constitution—in other words, that he was willing to commit perjury in the service of his God. A man capable of uttering such sentiments ought to be whipped with scorpions through the world.

But there are Whigs here who I believe will follow the lead of that great master-mind, whose action upon all trying occasions, has won for itself the appellation of God-like. This great man, (Mr. WEBSTER,) ever scorns to act from or be bounded by sectional considerations. Yes, Mr. Chairman, whenever his country has been endangered by exciting and difficult questions, he comes forward, erects a national platform, and covers himself all over with glory. Sir, his late great speech entitles him to the lasting gratitude of his country.

I must say a word, Mr. Chairman, before I take my seat, in relation to the proposed Southern convention. I believe that the call of the convention was ill-timed and unnecessary. I am opposed to it, because it proposes a remedy for a contingent evil, outside of the constitution, and because it will be time enough to take resolute steps when the deed, which alone can justify revolution, shall have been done. I will take the liberty to advise both Whigs and Democrats—the young and talented men of my State—to remain at a respectable distance from that convention, and to leave it to old men, and political cripples, who have no future before them—for nothing is more clear to my mind, than that it will prove a political winding-sheet to all those who trust themselves to its embraces.

I conclude with a sentiment expressed by an illustrious statesman (Mr. WEBSTER) upon an important occasion: "Liberty and Union, one and indivisible, now and forever."

NOTE.—It is due to the Whig party to state, that on the only test question this session—Mr. ROOT's resolutions—there was about an equal number of Whigs and Democrats who voted with the Representatives from the slave States.

SPEECH

OF

HON. D. WILMOT, OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES, MAY 3, 1850,

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. WILMOT said:

Mr. CHAIRMAN: This lengthened debate, in my judgment, has been productive of at least one good result. It has disclosed, beyond all question of denial or equivocation, the policy and purpose of the South. It affords ample justification, if any were needed, where the path of duty is so clearly marked out, for firm adherence to that policy, upon which I have stood from the first, and upon which I intend to stand throughout this momentous struggle.

Of the character of this struggle, if there were ever room for doubt, there can be doubt no longer. It must now be conceded that there is *substance* in this controversy—that the principle of *positive prohibition* by Congress, against slavery in the territories of the nation, is not an abstraction, having no practical object, and leading to no practical result. Four years of earnest, and often acrimonious debate in the halls of this Capitol—an agitation wide-spread as the country, reaching all classes, and stiring to their profoundest depths the passions of men, attests the magnitude of the struggle, and the mighty interests dependent upon its issue. Except that protracted and bloody conflict which gave birth to the nation, none has arisen, and, in my judgment, none will arise in our subsequent history, involving interests so vast, consequences so momentous for good or evil, as the one now pressing its fearful weight upon us—reaching, as it does, to the remotest posterity, and involving, if not the existence, the character and policy of our Government, so long as we shall have a name and a place among the family of nations. The ultimate decision of the present controversy will settle the great question, of the condition and destiny of the southern half of this Continent. It will also settle another great question: whether this Government shall be administered in the spirit that gave it birth, or whether the sufferings and trials of the Revolution shall have been endured in vain—whether our Democratic institutions are to stand, or this Government become an Aristocracy, based upon slave property, and slave representation.

In the aspect of results thus lasting and momentous, has the present struggle been viewed by those interested in the extension and perpetuation of slavery. On their part, the conflict has been maintained in a spirit and temper commensurate with their estimate of the magnitude of the interests involved. In behalf of slavery, this battle has been fought with a desperation, kindred to madness Indissolubly united in the bonds of a supreme and all-controlling selfishness—embarrassed by no dissensions—restrained by no ties of brotherhood, nor by the obligations of a high and holy patriotism, the champions of human bondage stand banded together, pressing on directly to the accomplishment of their object, and threatening, if thwarted in their purpose, the dismemberment of the Union, and the total destruction of the free institutions under which we live. Such, sir, is the spirit and temper of the slave power, as exhibited in this struggle—a power as insolent, as arrogant, as defiant of right, and justice, and law, as the most treasonable conspiracy that ever reared its head against a just and benign government.

Sir, this spirit of threatning and defiance, must be successfully resisted, or we are ourselves the veriest of slaves. What! shall the line of our conduct be prescribed to us under the pressure of treasonable threats? We have severally sworn to support the Constitution, each man for himself; and for our fidelity in this respect, we must stand individually responsible to God and the country. But we are told that we must understand that Constitution, as it shall be taught us by the advocates of slavery—we must adopt their construction of that instrument, and if we presume to overstep the limits of their interpretation, that the Union shall be dissolved, and our system of government overthrown. Not only this, but the line of our action is prescribed to us, within the acknowledged limits of the Constitution. "New States may be admitted by the Congress into this Union," is the explicit language of that instrument. Yet we are given to understand, if we presume to exercise this clear and admitted power in the case of California, without making certain concessions to slavery as an equivalent, that measures of a revolutionary character will be brought into requisition to arrest our action—that the ordinary government supplies will be withheld—that the *yeas* and *nays* will be called, in defiance of parliamentary law and usage, upon frivolous and dilatory motions until the end of the present Congress.

Sir, where are we? Is this a Chamber in which the representatives of freemen meet, for the discussion and determination of grave and important questions? or is it a theatre upon which slaves are taught their obligations and their duties? It behoves us to examine the ground upon which we stand. We have arrived at a point from which we cannot retreat, without a surrender of our independence as representatives upon this floor. I repeat it, *we must go forward*. To step back—to

cower under these threats, is base dishonor—a virtual surrender of our rights, and the rights of the freemen whose representatives we are. It is no question of feeling or personal pride; but of independent action upon this floor—of the exercise of those acknowledged powers, which belong to us as a part of the Government. Shall the acknowledged powers of this Government be exercised hrough its constitutional organs? or is a band of conspirators to arrest its action and set its authority at defiance? This, sir, is the point we have reached. I am for meeting the issue here and now. I will yield nothing to treason. I will know no concessions to the threats of faction. It would be base cowardice—a flagrant dereliction of public duty—a surrender of the constitutional powers of this House into the hands of a factious minority, subversive of all rightful authority, and destructive of the very foundations of our institutions of government.

Who is it, and what is it, that dares thus hurl defiance at the constitutional authority of this Government?—that dares threaten a dismemberment of this Union? I answer, an aristocracy of slaveholders, who, not content with that share of influence and political power given them by the Constitution, demand the absolute control of this Government—the right to dictate the sphere and the modes of its action. What could be more despotic, than to make the existence of the Government depend upon the acquiescence of Congress in such a construction of the Constitution as the representatives of a particular section chose to place upon it, from time to time? If we will make our action conform to the Constitution as it shall be expounded to us by the representatives from the slave States, we are assured that all shall be well—that agitation shall cease, and peace and harmony be restored to our country; but if we dare to read that instrument for ourselves, and to act upon our understanding of its true meaning, we are threatened with convulsions, and bloodshed, and civil war. If one man should assume the right to fix an authoritative construction upon the Constitution—to dictate what Congress might, and what it might not do—acquiescence in this demand, would be to change this Government into an absolute monarchy. To concede that right to any number less than a majority, is to convert it into an aristocracy. Yet this is what we are called upon to do at the peril of the very existence of the Government itself. Sir, I am no agitator; I am the friend and the lover of peace; but I prefer agitation—I prefer any extremity of danger, to the peace that is proffered us.

The great champion of the South, now numbered among the dead—he whose courage equaled his designs—scorning all circumlocution and indirection, marched boldly up to his object, and proposed such an amendment of the Constitution as should place this Government in the power of a minority. This bold and direct proposition startled the country. There was no disguise in it. It could be clearly seen and understood; and being seen, the people of the free States as one man revolted at the proposition; and many of the most ultra men of the South shrunk back from the ground their great leader had fearlessly taken. It was too bold. It stripped slavery of its disguise, and exposed the length and breadth of its demands. Dangerous as was this proposition, it was harmless compared with the *covert* demands made upon us by the less courageous advocates of slavery. They seek, by indirect means, more than Mr. Calhoun ever demanded by a change of the Constitution. They require that Congress and the country shall acquiesce in their construction of the Constitution, and make the overthrow of our institutions the penalty of disobedience. Sir, if the North, under the influence of threats, and the seductions of patronage, can be brought to this, it is better for the aristocracy of slavery, than any written constitutional amendment. It is an ever-changing amendment, adapted to all emergencies, and equal to every necessity. I prefer any change of the Constitution to this. If the great principles of our Government are to be subverted, and an aristocracy established upon its ruins, let it be done by a change in our organic law—let it be written down, so that the freemen of this country may see it. Let the powers and privileges of our masters be distinctly defined, and such rights as are vouchsafed to us, have the guarantees of written law. Of all tyrannies, save me from that unlimited and undefined tyranny, which acknowledges no restraint except the will or caprice of the tyrant—which demands control over my judgment and conscience, and enforces obedience by threats, if not of life, of all that makes life valuable.

Mr. Chairman, this is no picture of the imagination, but a sober reality. How stand the facts? We of the non-slaveholding States believe that Congress has power under the Contitution to prohibit slavery in the national territories. We have read that instrument for ourselves. We have carefully studied its provisions. We have called to our aid the lights of history and the experience of the past, and we find our opinions fortified by the unbroken action of this Government, throughout all its departments, for the entire period of its existence. We believe further, that it is our bounden duty to God and the country to exercise this power, and to give to the principle of the non-extension of slavery, the authority and force of positive law. How are we met? We are told that if we, being in a majority, dare to act upon this, our understanding of the Constitution—if we shall dare to carry out our deep and solemn convictions of public duty, that the Union shall be dissolved, and our country involved in anarchy and the horrors of civil war. Gentlemen representing the slave States tell us that they have a different reading of the Constitution. Disregarding all precedents—rejecting all contemporaneous construction, they arrogate to themselves infallibility as the expounders of that instrument; and if we shall dare act counter to their exposition, they notify us by the most solemn warnings, that the Government shall be overthrown, and our glorious institutions of liberty and law buried in the abyss of irretrievable ruin. Sir, no dangers threaten the Republic so imminent as the assaults made by slavery upon the Constitution and powers of this Government. Submission to its threats and demands is the most direful calamity that can befall us. What more fatal to liberty? What more subversive of our institutions than a surrender of the Constitution, and the rights of a majority under it, and the adoption, as the law of our guidance, of the arbitrary behests of slavery, enforced by threats of violence and blood?

Again, Mr. Chairman, we propose to admit

California into the Union. Our *right* to do so is acknowledged. Here there is no dispute of our constitutional power; yet, here again we are warned not to proceed at the hazard of the Union. We are told that California shall not be admitted, except upon such terms as slavery shall prescribe. That its admission must be purchased by the substantial concession of opening wide the door for the introduction of slavery into our other territories. Yes, sir; upon the question of the unconditional admission of California, here in the plain and open highway of our duty, slavery hurls its defiance in our teeth. We are bidden to stand at our peril. Shall we here too, purchase peace by submission? Shall we "*save the Union*" by standing like trembling cowards in our tracks? Those can obey the mandate who choose. I shall not. To my ear it sounds like the crack of the whip; and he who cowers under it is better fitted for the service of the plantation, than for the performance of those responsible duties which belong to the representative of a free people.

Upon the question of the admission of California *as a separate and independent measure*, there is but one sentiment among the people of the free States. It is demanded by the general and unanimous voice of all parties. The most servile of the pro-slavery press of the North has never presumed so far to outrage public feeling as to advocate the connection of any other measure with the admission of California. Upon this point even the Pennsylvanian has been silent, while upon all others it has kept neck and neck with the Washington Union and Charleston Mercury in its advocacy of the most extravagant demands of the South, and is justly entitled to preëminence over both in the bitterness and malignity of its assaults upon the principles and friends of freedom. It has been forced, by the strong public sentiment at home, to conceal its opposition to the unconditional admission of California—to disguise its hostility under cover of a "general compromise."

When we assembled in this hall in December last, there could not have been found five Representatives from the free States who were not opposed to mixing up California with other subjects of controversy and strife. Here, at last, the North was to take a firm stand—one from which she was not to be seduced by promises or driven by threats. How stands this House to-day upon the question of the unconditional admission of California? God, sir, only knows; but if reliance can be placed upon the confident assertions of the friends of slavery, the friends of California are in a minority upon this floor. The great measure of her admission with a free constitution, is to be embarrassed by questions of territorial governments for New Mexico and Utah, and the settlement of the boundaries of Texas. California is to be *compromised* into the Union, and the price of her admission is the extension of slavery. Sir, I trust in God that this will not be. If the North prove recreant *now, and upon this question*, when and where can we hope for manful and successful resistance against the aggressions and threats of slavery? I trust that the Representatives from the North will never consent that California shall be made the make-weight for the extension of slavery—that they will save themselves and the honest constituencies they represent from this deep humiliation. California abandoned as an *independent and separate* measure, and there is no ground upon which the friends of freedom can stand and maintain this unequal struggle. This crowning act of treachery to northern interests and northern rights, would strike a chill upon the hearts of the freemen of this land. I should myself feel as if the chains were clanking upon my own limbs. I pray Heaven that it may not be; yet I fear the arrangements and corruptions of this political mart, where principles and the highest interests of humanity are mere commodities, that are bought and sold for office—where the question of the Presidency is made to override the great issue of freedom or slavery. Would to God that the men who are at the plough and in the workshops could be here to speak and vote upon these momentous questions. They, sir, could not be seduced by flattery, nor awed by threats, nor corrupted by office. With them the love of truth is stronger than the love of gold.

Mr. Chairman, the whole history of this struggle is a history of high and haughty bearing—of proud and arrogant defiance on the part of slavery; while on the side of freedom there has been a shameful exhibition of weakness, irresolution, and a timidity bordering on cowardice. The North has been driven from one position to another, until the outposts are all abandoned, and we are now summoned to an unconditional surrender of the citadel itself. Under the influence of threats, of persuasion, of flattery, and above all, of patronage and the promise of political preferment, our numbers have been reduced by desertion—our ranks broken, our forces divided, until there is danger of a general rout. In the commencement of this struggle, the friends of freedom were closely and thoroughly united upon the ground of *positive legislative prohibition* against the introduction of slavery into any territory which we might acquire from Mexico. The constitutionality and propriety of this position, met with the general and almost universal assent of the people of the free States. Their Representatives on this floor, presented the same united and unbroken front. Soon, however, the ranks of the northern Democracy began to give way, under the pressure and patronage of a southern Administration. Fearing to abandon at one step, a principle which had been received with such general favor, the allies of slavery extension in the North, discovered that the agitation of the subject was "*premature.*" Claiming still to occupy the same high ground—loud and zealous in their professions of fidelity to the principles and the cause of freedom, they took shelter behind the plea, that the Proviso, as an amendment to the three million bill, was inappropriate, both as to time and place; that we should *acquire* the territory before seeking to ingraft upon it the ordinance of freedom. Under this specious disguise—this cloak of friendship—were sounded in the North the first notes of opposition to the Proviso. Under cover of such false and hypocritical professions was the cry raised by the first deserters, of "*humbug*," "*idle abstraction*," and such like epithets, believing that if, for any cause, they could succeed in creating a prejudice against the name, it would be easy to put down the principle itself. I could quote from the speeches of various gentlemen, in support of what I have here said, as to the ground of opposition first made against the Proviso. I will, however, confine my-

self to reading a short extract from the speech of a former colleague. I make this selection, because he has made himself conspicuous of late, in denouncing the principle, and all who support it. He has become a traveling missionary in the cause of slavery propagandism. His opposition knows no bounds. He denounces the Proviso as a violation of the Constitution—a damning political heresy—an old Federal delusion; and all who support it as renegades and traitors to the Democratic party. Three years age he stood upon this floor, cloaking his opposition under professions of friendship, solemnly pledging himself in the face of the nation, to go for ingrafting the principles of the Proviso upon the legislation of the country whenever the territories should be acquired, and Congress called upon to establish territorial governments therein. I hope his southern friends will take note of this case, as one especially deserving remembrance and reward. The appointment of *chargé d'affaires* would be but a reasonable recompense for the industrious and important services of their ally since the opening of the present session of Congress. This notice, I am certain, will insure him a safe passport through the Senate.

I read from the speech of the Hon. Richard Brodhead delivered in this House, February 9, 1847.

¶ "I have thus, Mr. Chairman, briefly stated my objections to my friend and colleague's [Mr. WILMOT] celebrated amendment. I will now make some observations of a general character upon the subject of slavery, in relation to which so much has been said in this debate, in order that my position and views may not be misconstrued. First, however, permit me to premise, that *if we had acquired either New Mexico or California, and a bill was before the House providing territorial governments therein, or a bill was before the House providing for the admission of either of those Provinces as States, (the territory being first acquired by treaty,) I would vote for a provision excluding slavery. I favor the principle contained in the amendment of my colleague, and will go for ingrafting it upon the legislation of the country*, but in the proper *form*, and at the proper *time* and *place*, when the power to do so can be rightfully exercised."

Sir, this "*premature dodge*," which we have seen invoked at the present session, by a distinguished representative from Massachusetts, is not original with him. I claim priority of discovery for the gentleman from whose speech I have just read; and I think I could find some score or more, who have at least three years advantage of the gentleman from Boston, in its use. I should not have deemed this worthy of note, but that I do not think it fair in Massachusetts to claim originality for all the inventions connected with this subject. She, I fear, will be coming in for pay, to the exclusion of earlier and more meritorious inventors. A distinguished Senator from that State, claimed the Proviso by right of prior discovery, and exhibited much warmth and indignation, that humbler men should play with his "thunder." This, however, promising neither quick nor large returns of profit, the distinguished Senator has recently abandoned, and patented another invention, under the name of "*physical geography*," or the "*law of the formation of the earth*," by which he proposes to quiet the apprehensions of the North, upon the subject of the extension of slavery. Here again, Massachusetts is infringing upon the rights of Pennsylvania. This same *panacea* was offered to the public as early as the fall of 1847, by a distinguished citizen of my own State, in a celebrated document, known as the "Berks county Letter." It did not promise at that time to become a *popular medicine*.¶ Every Whig stomach rejected it. We shall see whether or not it will be more palatable to them, when administered by one of their own doctors. But, sir, it is not my purpose to enlarge upon this theme. I only desired to state the facts, to vindicate the "truth of history," and to notify the South, that Pennsylvania claims the first installment of pay.

To return, Mr. Chairman, to the subject from which I have been led by this digression: It was under pledges of fidelity and support, that treachery to freedom first took shelter. This cloak was worn, until the South demanded that it should be laid aside. The territories were acquired, and it became necessary either to stand up to these professions, or to find some new cover behind which to shelter opposition. A presidential election was approaching. The slave power insolently proclaimed its purpose to support no man for that high office, who should regard with the least favor the ordinance of freedom. True, a prominent candidate had given it his unequivocal endorsement—had spoken of it as a great measure of right, which ought not, and must not be abandoned. But slavery was inexorable. The oracle must speak, and it must speak as commanded. Sir, the oracle did speak, and we had produced the "Nicholson letter," in which, for the first time, the ground was taken by a northern man, that the "Proviso" was unconstitutional.

We hear much said, Mr. Chairman, of the aggressions of the North upon the South. I charge upon the South wanton and wicked aggressions upon the North. She seduces our public men. She tempts them beyond their strength. She leads them "up into an exceeding high mountain," and shows them the kingdoms of this world, and promises them dominion and power, and they "fall down and worship."

Sir, I have spoken of slavery as the basis of an aristocracy. It is so; and I give it as my mature and deliberate judgment, that the slaveholders of the South constitute one of the most formidable and powerful aristocracies upon the face of the earth. An aristocracy is, where the power is in the hands of the few, to the exclusion of the many. It is not essential to an aristocracy, that its powers and prerogatives should rest upon law; they may rest upon a strong public opinion, that has the consistency and force of law. Thus it is in the South. The public opinion of the South is entirely moulded and directed by the slaveholders. Their views, sentiments, and principles, make up southern public opinion. The strength of this public opinion is strikingly exemplified in its influence over the press, that great lever which moves the world. The press of the South is the mere organ and advocate of the interests and prerogatives of slavery. It no more dare assail that institution, or question its rightful supremacy in the State, than dare the press of any aristocratic government on earth assail the privileges and immunities of its aristocracy. In the one, the press is under the *surveillance* of law and a vigilant police, in the other it is under the equally watchful *surveillance* of a public opinion stronger than law. I say stronger than law, because the freedom of the press is secured by the constitution of every slave State; yet this provision is a dead letter so far as respects slavery. The press of the South is free to discuss every other subject, and all sides of

every other subject. There is nothing in morals, in law, or religion, so sacred, that it may not undergo a full and thorough discussion at the South, save only the one subject of slavery. Why is this made an exception? I answer, because it is the *bulwark* of southern aristocracy. Why, sir, the press is free in Russia, in Austria, in the most despotic and aristocratic governments in Christendom, to discuss all and every subject, so that it does not trench upon the prerogatives of the privileged order.

No aristocracy ever struggled more desperately to strengthen and fortify their prerogatives than have the slaveholders of the South, to extend and perpetuate that system, upon which their power rests. Holding in their hands fifteen hundred millions of dollars of slave property, together with a large portion of the real estate of the South—having entire control over the public opinion, and filling near all the positions of office and power in their respective States, with ninety-one representatives upon this floor, one half of the Senate, and the Executive branch of the Government during nearly the whole period of our national existence, thoroughly and indissolubly united in the common interests and dangers of slavery,—I repeat the proposition with which I set out, that the slaveholders of the South constitute this day one of the most powerful aristocracies on the face of the earth, and are now fighting a battle of life and death for the permanent control of the Government of the Union.

Sir, one of the characteristics of an aristocracy, is unrelenting and unforgiving hatred of those who question its privileges or assail its power. Slavery has exhibited this in a marked degree, during the history of our Government. When has a statesman of the North, however pure, and just, and noble—however exalted in the affections of his countrymen—when has such a man crossed the track of southern policy—when has he planted himself in the path of slavery, and made manful resistance to its exorbitant demands, and survived its proscriptive wrath? Sir, the example cannot be found in the history of this Government Such a man could have sooner passed in safety the ordeal of the INQUISITION in the dark ages, upon a charge of heresy, than he could pass that Senate Chamber to-day. Are these things ever to be? Must we forever bow our necks to the yoke of slavery? Shall the true men of the North be forever struck down? Are we to stand still and see our children proscribed in the land of their birth? No, sir! no! The men are born who will rescue this Government from the grasp of a heartless and ruthless aristocracy. This great work is the appropriate and appointed mission of a genuine Democracy—composed as that Democracy in truth is, of the great free masses of the country, however now divided, or by whatever party names they may now be known.

Democracy is a principle of eternal justice. It contends for equality and right. It resists all wrong and oppression. It is the foe of all special privileges and immunities. It seeks the elevation and redemption of man from every species of bondage and tyranny. It is the friend of the downtrodden and oppressed—of earth's millions, whose destiny it is to sweat and toil from the cradle to the grave. It sympathizes with labor, and vigilantly guards its interests and rights against the insidious and heartless demands of capital. Governed by these high principles and aims, Democracy has struggled against the increasing power, and unjust exactions of the great monied interests of the North.

Until now, we have never had interests of a purely sectional character, pushed upon the country as the main issue in national politics; but now, sir, the South insists upon making the support and extension of slavery, the all-controlling issue and test in our national politics. Democracy, true to its principles, faithful to its high mission, is called upon to resist the progress of slavery upon this continent, and upon this issue, it is met by the aristocracy of the South in deadly strife. Southern aristocracy, and southern capital, seek to save themselves from the application of those great principles of justice and right, under which, they were willing to fight the battles of Democracy, against the capital and aristocracy of the North. Long accustomed to lead in our party conflicts, the aristocracy of the South still holds the machinery of the party, and by a bold and unscrupulous use of its organization, seeks to lead Democracy on to self-destruction—to the breaking down of those great principles of justice and right, which have given it vitality and power as a party, and which alone entitle it to the support of a generous and free people. I am the friend, and have ever been the consistant supporter of party organization; but the organization I follow, must be one based upon principle, and having for its object the attainment of legitimate ends. I will not organize to steal, nor to murder, nor to extend into territory now free, the institution of African slavery.

Sir, the great elements by which slavery seeks to extend and perpetuate its power—to bear down freedom in this conflict, are, the organization of the Democratic party—the patronage of the Federal Government, and abundant and prolific promises of future political preferment. It seduces by its promises, corrupts by its patronage, and *drives* by its use of party organization. The two first are employed upon the leaders—the latter upon the rank and file. This driving business has been tried upon me pretty thoroughly, but with a success, or rather want of success, which I trust is not very satisfactory to the operators. I shall support no organization, wielded by men who openly declare their purpose to extend slavery, and who proclaim in advance, that they will support no candidate unless he avows principles favorable to their policy. I shall go into no caucus with men who tell me upon the threshold, that opposition to the extension of slavery disqualifies a man for their support—that "*under* no *political necessity whatever*," will they vote for a man whose principles harmonize with my own; and yet demand of me, that I vote for one of opposing views. This is a kind of party organization to which I have not been accustomed, and into which I cannot be driven. Sir, I know of but one way to put a stop to such a system of wrong upon my rights, and the rights of my constituents—such an outrageous perversion of the ends and purposes of party organization. My only remedy for such injustice, is firm and unbending resistance. If, however, I could be driven to "pull in the traces," under an organization thus constituted, and thus perverted, I would still oppose the man who had bartered away my princi-

ples for office. I would do this, if for no higher reason, as evidence, that all self-respect and manhood had not been extinguished in me. No, sir! the man who sells my principles, must not draw on me for the pay. I shall offer no such premium for treachery. The South must reward her own vassals. She cannot hold up the offices and high places of this Government, as a reward to northern men for their treachery to the cause of freedom, and then call on me, by my vote, to consummate the bargain.

I repeat, sir, I am the friend of party organization. I have ever been one of its most steadfast supporters. I value it too highly to consent, without a struggle, that an aristocracy shall wield it for the advancement of its local and sectional objects, and to the utter prostration of those principles, which it was designed to uphold and maintain. As a Democrat, and one of the "most straitest of the sect," I have resisted, and shall continue to resist with all my feeble powers, any and every attempt on the part of the slaveholders of the South, to wield the organization of the Democratic party, against its principles, and for the purpose of the propagation of human slavery. I will battle while I have strength against this effort to lead Democracy to self-destruction, by an unscrupulous and unjustifiable use of its organization. What are the legitimate objects of party organization? What are its uses? As I understand, to bring together those entertaining common opinions and sentiments upon political subjects, and uniting them in concentrated action. The maintenance of *principle* is the end, to which all legitimate organization points. Its object is not to bring together those holding incongruous and conflicting opinions. It may, and indeed often does serve to reconcile differences of opinion upon minor points, but it never can, and never ought, to unite into harmonious action, those holding opposing principles, which are deemed vital and fundamental. No one would think of uniting permanently in the same party organization, the republican and the monarchist. They might for a time stand together, fighting a common enemy, which threatened to overpower both; but the danger once passed, they would immediately separate and commence a warfare upon each other. This alliance of antagonist interests and principles, is not unfrequent. It always takes place when threatened by a common danger. Even absolute despotism not unfrequently finds its interest and safety in an alliance with the downtrodden masses, and earnestly seeks to remove, in some degree, the crushing tyranny which overwhelms them. It is so to-day in Russia, and has been so for centuries. The Autocrat of that Empire has a formidable rival, and at times a deadly enemy, in a powerful aristocracy, which holds in serfdom the great mass of his subjects. If by relieving the serfs from some portion of the tyranny which oppresses them, he could cripple the power of this aristocracy, he would feel more secure in his prerogatives, and more safe upon his throne. Should he, however, succeed in weakning that aristocracy, (which now is the only check upon his power,) by a partial enfranchisement of the serfs, things would be changed; and there would be a corresponding change in his sympathies and policy. The masses, relieved in part from the crushing tyranny which had kept them down, would demand an enlargement of their rights, and the imperial power would ally itself with an enfeebled aristocracy, to resist those demands. Governed by the same great principles of human action, but under circumstances widely different, we have seen an aristocratic interest at the South, drawn into temporary connection with the Democracy of the country. Democracy, as a principle, can have no sympathy or natural alliance with Slavery. Light and darkness are not more opposed. They occupy the extreme points of political antagonism. The one, the friend of the largest liberty; the other, the enemy of every human right. While thus opposed to each other, from the nature and constitution of things; yet Democracy, as an active and practical element in the workings of our system of Government, pays profound respect and loyal obedience to the Constitution, and refrains, as in duty bound, from any interference with slavery in the several States where it exists. As a local, domestic, State institution, whatever may be its evils and its wrongs, it is entitled under the Constitution to peace and security. But when slavery steps beyond State boundaries, and invokes the power of the General Government to extend and perpetuate the system—to strengthen and uphold the aristocracy which it nourishes and sustains, Democracy must either be false in its principles, or it must resist demands so extraordinary and dangerous. It is only as a State institution, that slavery can claim forbearance and toleration. When it voluntarily lays aside its local and domestic character, and enters upon the theatre of national politics,—when it assumes an attitude towards the Federal Government such as that in which it now stands, dictating law under the threats of disunion, resistance becomes a duty of the highest obligation. Silence and submission under such circumstances, would be moral treason to our free institutions.

Mr. Chairman, we hear much anxiety expressed in certain quarters for a speedy and final settlement of all the controverted questions growing out of the subject of slavery. Some northern gentlemen are nervously alarmed for the safety of the Union. So distressing are their fears, that they cannot speak except in terms of the most gloomy forebodings. A solicitude so deep and anxious presses its weight upon them so as to destroy sleep, and appetite, and physical comfort. The sweets of a long-coveted retirement cannot hold within its sanctuary the anxious throbbings of a patriot heart. The rest of a quiet retreat is abandoned for a pilgrimage to the Capitol, to teach the North submission, and aid the South in the work of "preserving the Union." Surely such patriotism deserves its reward. Oh! sir, how ungrateful in a wicked and uncharitable world, to breathe its suspicions that selfishness or ambition for presidential honors had aught to do in this labor of love. Sir, there has been an industrious and labored effort to create alarm for the safety of the Union—to get up a panic in the country; and in this work northern men and northern presses have contributed their full share. The North is to be frightened from its principles and propriety; and under the plea of "danger to the Union," northern men on this floor hope to justify themselves to their constituents for the abandonment of the cause of freedom. I desire most earnestly a settlement upon a just and truly national basis of the present controversy growing out of the demand of

slavery to overrun and occupy our free territories. I will support any proposition which shall give effectual guarantees against the extension of slavery come from what quarter it may. I will support no scheme which does not give such guarantees, with whatever plausibility it may be concocted, or however imposing the circumstances which may attend its introduction into these halls. I have no such veneration for large committees, however distinguished the individuals of which they are composed, as to reconcile me to the extension of slavery. The committee of thirteen, recently raised in the Senate, composed as it is of eleven members, who are known to favor the policy of the South, will submit no plan of adjustment that is not wholly one-sided and sectional. Nothing can be hoped for from that quarter in the least favorable to freedom. The committee was raised against the votes of those who represented two-thirds of the freemen of this country—its members elected themselves and each other, and I cannot view it in any other light than as a scheme to force upon the country a measure of southern policy, under the name of "*compromise.*" Yet it is hoped by some such process to quiet the North, and calm the agitation growing out of the dangerous and unwarrantable demands of slavery. Sir, no palliative which may be offered us by this committee of thirteen, will reach the disease or give quiet to the country. This struggle will go on increasing in force and intensity until limits are fixed to the possessions of slavery—until the aristocracy of the South shall abandon its alarming pretensions, and rest content with that share of political influence to which it is justly entitled under the Constitution. Agitation will continue until there is freedom upon this floor, and the rights of a majority acknowledged and respected. Sir, these threats of disunion—this bold defiance of the rightful and constitutional authority of this Government, must cease, before peace and fraternal concord will be restored to the country. A stop must be put to this proscription of northern men, who do not acknowledge the divine character and inestimable blessings of slavery. In short, this struggle between the opposing principles of freedom and slavery, will go on, until that day shall arise when the child that is nursed by a white mother, shall stand an equal chance in this Government, with one nursed in the lap of a slave. We claim for the men of the North an equality in this Government. It is ours by right of inheritance, and with the blessing of God we mean to have it. We wage no warfare upon the South. Their system of slavery is their own, as is the aristocracy it sustains. Their rights, under the Constitution, we pledge ourselves to respect as sacred and inviolate; but it is the Constitution, as it shall be interpreted by the high powers of this Government, and not as it shall be construed by their imperial fiat, by which we agree to abide.

The true ground of the present controversy, is not that slavery is assailed, or even threatened, within its lawful limits, the States where it exists; but that resistance is offered to its extension into the free territories of the nation. This is the true and real ground of the present controversy. The slaveholders are alarmed lest the sceptre of political power shall be taken from their hands; and they demand an enlargement of the area of slavery, as a means of increasing the value of slave property, and of securing to them the permanent control over the Government of the Union. True to the instincts and passions of an aristocracy, they threaten to ruin when they can no longer rule. If the slaveholders of the South would rest satisfied with their aristocratic position and dominion in the slave States, and be content to share with the freemen of the North the political power of this Government upon the terms and conditions prescribed in the Constitution, we should have no agitation, no strife, connected with the subject of slavery. We claim no right to interfere with slavery or any of the prerogatives it confers, in the southern States of this Union. It may stand there for centuries to come, if it can so stand, as it has stood for centuries that have passed, without let or hindrance, or molestation on the part of this Government. But when it attempts to pass beyond State limits and plant itself upon our national territories, and puts forth demands subversive of our institutions of Government, then slavery loses its local and domestic character, and becomes a subject of vital concern to the people of the whole Union.

Mr. Chairman, some gentlemen, apparently with a view to excuse their conduct, and to lull the free States into a fatal sense of security, confidently assume, that slavery can never exist in any part of the territory acquired from Mexico. This assumption, it is worthy of note, comes exclusively from northern men, and from that class of northern men who reconcile it with their duty to act upon all occasions in harmony with the interest and policy of slavery. It is directly and flatly contradicted, by almost every southern man who has spoken upon the subject, and is in the face of every fact, connected with the history and progress of slavery upon this continent. Of all our vast possessions, owned at the time of the organization of the Government, together with those acquired from France and Spain, and by the annexation of Texas, not one foot can be found to-day, free from the institution of slavery, that was not secured to freedom by the positive law of this Government. The *existence or non-existence* of slavery in a country, does not depend upon soil, or climate, or production. It is regulated by pecuniary considerations, and the demand for labor. The *number* of slaves, that can be profitably employed upon a given extent of territory, will depend much upon the character of its productions; but wherever labor is in demand—wherever there is work to do, there the slave is valuable, and there he will be taken, unless legal barriers are interposed to prevent it. This is proved by the whole history of the settlement of this continent. There is no branch of labor in which slaves can be more profitably employed than in mining the precious metals. It was for this purpose that slaves were first employed in America.

It is a mockery, Mr. Chairman, to pretend that slavery cannot exist in the territories acquired from Mexico. It can, and it surely will go there, unless prevented by the action of this Government, or the early organization of those territories as States, before slavery has time to diffuse itself over them. Let our action in these halls be controlled by the threats and policy of a slaveholding aristocracy—organize territorial governments without any prohibition of slavery—break down all barriers against its introduction by a submission on

our part to the constitutional dogmas of the South, and slavery will as certainly overrun those territories, as that it has spread from the Potomac, south and west, to the Gulf of Mexico and the banks of the Rio Grande. This result is not only admitted by the South, but it is openly and boldly proclaimed as her settled and fixed policy—a policy necessary, as she avers, to her safety, and from which, sooner than depart, she is willing to dissolve the Union. Yet, in the face of all this, we are mocked with the idle assurances of northern men, that there is no danger that slavery will be exteaded. Sir, what is this controversy about? For what is this protracted and exciting struggle? It has but one foundation. It grows out of the declared, undisguised policy of the South to extend and perpetuate the system of human slavery. The issue is upon us. It cannot be evaded. Its responsibilities are ours—let us meet them like men. The judgment of posterity and the tribunal of a just God, will hold us accountable for the issues of this great question of FREEDOM OR SLAVERY.

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ADMISSION OF CALIFORNIA.

SPEECH

OF THE

HON. R. C. WINTHROP, OF MASS.,

ON

THE PRESIDENT'S MESSAGE,

TRANSMITTING

THE CONSTITUTION OF CALIFORNIA:

DELIVERED IN COMMITTEE OF THE WHOLE IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, MAY 8, 1850.

WASHINGTON:
GIDEON & CO., PRINTERS.
1850.

SPEECH.

The House being in Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California:

Mr. WINTHROP said: When I had the honor of addressing the Committee of the Whole on the state of the Union some weeks ago, I intimated my purpose to take another opportunity, at no distant day, to express, somewhat more in detail than I was able to do on that occasion, the views which I entertain in regard to what have well been called *the great questions of the day*.

The eager competitions for the floor which have been witnessed here almost without intermission from that time to this, have postponed the accomplishment of this purpose much longer than I could have desired.

I rise now, however, at last, to fulfil it. And most heartily do I wish, Mr. Chairman, that in doing so, I could see my way clear to contribute something to the repose of the country, and to the harmony of our national councils. I yield to no one in the sincerity or the earnestness of my desire, that every bone of contention between different portions of the Union may be broken, every root of bitterness removed, and that the American Congress may be seen again in a condition to discharge its legitimate functions of providing at once for the wants of the Government and for the interests of the people. If there be an example in history, which I would gladly emulate at such a moment as this, it is that of an old Swiss patriot, four hundred years ago—of whom I have recently read an account—who, when the Confederated Cantons had become so embittered against each other, by a long succession of mutual criminations and local feuds, that the dissolution of the Confederacy was openly proposed and discussed, and the liberties of Switzerland seemed on the very verge of ruin, was suddenly found rushing from his cherished retirement into the Assembly of Deputies, and exclaiming "*Concord, concord*, CONCORD!" and who, it is recorded, by his prudence, his patriotism, and his eloquence, brought back that Assembly, and the people whom they represented, to a sense of the inestimable blessings which were at stake upon the issue, and finally succeeded in restoring his distracted country to a condition of harmony, tranquillity, and assured Union!

Sir, there is no sacrifice of personal opinion, of pride of consistency, of local regard, of official position, of present havings, or of future hopes, which I would not willingly make to play such a part as this.

Perhaps it may be said, that it has been played already. Perhaps it may be said, that a voice, or voices, have already been heard in the other end of this Capitol, if not in this, which have stilled the angry storm of fraternal discord, and given us the grateful assurance that all our controversies shall be peacefully settled.

At any rate, sir, whether this be so or not, I am but too sensible that it is not given to me in this hour to attempt such a character. And let me add, that there is one sacrifice which I could never make, even for all the glory which might result from the successful performance of so exalted a service. I mean, the sacrifice of my own deliberately adopted and honestly cherished principles. These I must avow, to-day and always. These I must stand

to, here and everywhere. Under all circumstances, in all events, I must follow the lead of my own conscientious convictions of right and of duty.

I assume then, to-day, Mr. Chairman, no character of a pacificator. I have no new plan of adjustment or reconciliation to offer for the difficulties and dissensions in which we are unhappily involved.

Still less, sir, have I sought the floor for the purpose of entering into fresh controversy with any body in this House or elsewhere. Not even the gratuitous imputations, the second-hand perversions and stale sarcasms, of the honorable member from Connecticut, [Mr. CLEVELAND,] a few days ago, can tempt me to employ another hour of this session in the mere cut and thrust of personal encounter. I pass from that honorable member with the single remark, that it required more than all his vehement and turgid declamation against others, who, as he suggested, were shaping their course with a view to some official promotion or reward, to make me, or, as I think, to make this House, forget, that the term of one of his own Connecticut Senators was soon about to expire, that the Connecticut Legislature was just about to assemble, and that the honorable member himself was well understood to be a prominent candidate for the vacancy!

And I shall be equally brief with the distinguished member from Pennsylvania, [Mr. WILMOT,] who honored me with another shaft from the self-same quiver on Friday last. I will certainly not take advantage of his absence to deal with him at any length. But I cannot forbear saying, that as I heard him pouring forth so bitter an invective, so pitiless a philippic, against Southern arrogance and Northern recreancy, and as I observed the sleek complacency with which he seemed to congratulate himself that he alone had been proof against all the seductions of patronage, and all the blandishments of power, I could not help remembering that his name was an historical name more than a century ago, and the lines in which a celebrated poet had embalmed it for immortality, came unbidden to my lips:

> "Shall parts so various aim at nothing new!
> "He'll shine a Tully and a *Wilmot* too!"

My object to-day, Mr. Chairman, is the simple and humble one of expressing my own views on matters in regard to which I have, in some quarters, been, either intentionally or unintentionally, misunderstood, and misrepresented. The end of my hour will find me, I fear, with even this work but half accomplished; and I must rely on being judged by what shall be printed hereafter, rather than by what I may succeed in saying now. I will not, however, make my little less, by wasting any more of my time in an empty exordium, but will proceed at once to the business in hand.

And, in the first place, sir, I desire to explain, at the expense of some historical narrative and egotistical reference, the position which I have heretofore occupied in relation to a certain *anti-slavery proviso*, which has been the immediate occasion of most of those sectional dissensions by which our domestic peace has been of late so seriously disturbed.

I need not say, sir, that I am no stranger to that *proviso*, though, during the whole of the last Congress, I was precluded, by my position in the chair of the House, from giving any vote, or uttering any voice, in regard to it.

There are those here to-day, and I might single out, in no spirit of unkindness certainly, the present chairman of the Committee of Ways and Means [Mr. BAYLY] as one of them, who have often taken pains to remind the House and the country, that this proviso was formally proposed by me

to a bill for establishing a government in the Oregon territory, before the honorable member from Pennsylvania, whose name it now bears, (Mr. WILMOT,) had entered upon his Congressional career.

I have never denied this allegation. I have never desired to deny it. The fact is upon record; and I would not erase or alter that record if it were in my power to do so. But, sir, I have often desired, and always intended, whenever I should again be free to take part in the discussions of this body, to recall to the remembrance of the House and of the country, the circumstances under which, and the views with which, that proposition was made.

It was made, Mr. Chairman, on the 1st day of February, 1845. And what was the condition of the country, and of the public affairs of the country, on that day?

Oregon was then a disputed territory. We were engaged at that time, sir, in negotiations with Great Britain, in respect to the conflicting claims of the two countries to that remote region. Those negotiations had been long protracted, and had engendered a spirit of restless impatience on the subject, in the minds of a great portion of the American people. The question, too, had been drawn—as, I regret to say, almost every question in this country seems destined to be drawn—into the perilous vortex of party politics; and a Democratic Presidential triumph had just been achieved, under a banner on which were legibly inscribed the well-remembered figures 54° 40′, and the well-remembered phrase, "*the whole or none*."

Under these circumstances, sir, a bill was introduced into this House, to extend the jurisdiction of the United States over the whole territory in dispute, and to authorize the assumption and exercise of one of the highest attributes of exclusive sovereignty, by granting lands to settlers.

The bill was in other respects highly objectionable. It provided for carrying on a government by the appointment of only two officers—a governor and a judge—who were to have absolute authority to promulgate and enforce, throughout the territory of Oregon, any and all laws which they might see fit to select from the statutes of any State or Territory in the Union. The whole destinies of Oregon were thus to be confided to the discretion of two men, who were to make up a code of laws to suit themselves, by picking and culling at pleasure from all the statute books of the country. They were at liberty, as the bill stood—although the entire Territory was above the latitude of 36° 30′—to adopt a slave code or a free code, as might be most agreeable to their own notions; and there was, at that very moment, lying upon the tables before us, a report from the Indian agent or sub-agent in that quarter, from which it appeared, that a number of the native Indians had already been captured and enslaved by the white settlers, and that they were held in a state of absolute and unjustifiable bondage.

It was under these circumstances, Mr. Chairman, that I moved the proviso in question; and I now read, from a speech printed at the time, the remarks which I made on the occasion:

"One limitation upon the discretion of these two irresponsible law-givers ought certainly to be imposed, if this bill is to pass. As it now stands, there is nothing to prevent them from legalizing the existence of domestic slavery in Oregon. It seems to be understood, that this institution is to be limited by the terms of the Missouri compromise, and is nowhere to be permitted in the American Union above the latitude of 36° 30′. There is nothing, however, to enforce this understanding in the present case. The published documents prove that Indian slavery already exists in Oregon. I intend, therefore, to move, whenever it is in order to do so, the insertion of

an express declaration, that '*there shall neither be slavery nor involuntary servitude in this Territory, except for crime, whereof the party shall have been duly convicted.*'"

I did not stop here, however, sir. The whole argument of my speech on that occasion, with the exception of the single sentence which I have cited, was against the passage of the bill in any form.

"I am in hopes, Mr. Chairman, (such was my distinct avowal,) that the bill will not become a law at the present session in any shape. Everything conspires, in my judgment, to call for the postponement of any such measure to a future day."

The great and paramount objection to the bill, in my mind, was that it would jeopard the peace of the country; that it would break up the amicable negotiations in which we were engaged, and would leave no other alternative for settling the vexed question of title between us and Great Britain, but the stern arbitrement of war.

Entertaining this opinion, I aimed at defeating the measure by every means in my power; and it was well understood, at the time, that this very *proviso* was one of the means upon which I mainly relied for the purpose. I deliberately designed, by moving it, to unite the southern Democracy with the conservative Whigs of both the North and the South, in opposition to the bill, and thus to insure its defeat.

The motion prevailed. The proviso was inserted by a vote of 131 to 69. And I, for one, then carried out my opposition to the bill by voting against it, proviso and all. The southern Democracy, however, did not go with me on this vote. Not a few of them—the present Speaker of the House among the number—all of them, indeed, who were present, except *four*, voted in favor of the bill, notwithstanding the anti-slavery clause; and accordingly it passed the House. But there can be little doubt that this clause had its influence in arresting the bill in the other wing of the Capitol, where it remained unacted upon until the close of the session, and was thus finally lost.

Sir, a bill to create a territorial government in Oregon, containing this identical *proviso*, has since been passed through both Houses of Congress, and has received the sanction and signature of a southern Democratic President; and I do not suppose, therefore, that this original motion of mine will be hereafter so frequent a subject of southern Democratic censure as it hitherto has been. But I have desired to place upon record, in *perpetuam memoriam rei*, this plain, unvarnished history of the case; and having done so, I willingly submit myself to whatever measure of censure or reproach such a state of facts may fairly subject me to, either from the South or from the North. If the offering of this proviso to this bill, under these circumstances, with these views, and with this result, be the unpardonable offence which it has sometimes been styled, I can only say "*adsum, qui feci; in me convertite ferrum!*" Nay, sir, I will say further, that if it be fairly traceable to this movement of mine, that it is no longer an open question whether domestic slavery shall find a foothold in the Territory of Oregon, I shall feel that it has not been entirely in vain that I have been for ten years associated with the public councils of my country.

I come next, Mr. Chairman, to the *proviso*, which has more legitimately received the name of the honorable member from Pennsylvania, (Mr. WILMOT.) And it is not less important in this case, than in the other, to recall to the remembrance of the House and of the country the circumstances under which this proviso, also, was proposed.

I think, sir, that no one who was a member of Congress at the time will soon forget the *eighth day of August*, 1846. The country was at war with Mexico, and Congress was within eight-and-forty hours of the appointed close of a most protracted and laborious session. We were already almost exhausted by hot weather and hot work, and all the energies which were left us were required for winding up the great mass of public business which always awaits the closing hours, whether of a longer or a shorter session. Under these circumstances, a message was received by this House from President Polk, calling for an appropriation of money to enable him to negotiate a treaty of peace, and intimating, by a distinct reference to the precedent of the purchase of Louisiana, that he designed to employ this money in the acquisition of more territory.

Such a message, I need not say, sir, took all who were not in the President's secrets greatly by surprise. The idea of bringing money to the aid of our armies for the purpose of *buying a peace* from a nation like Mexico, could not fail to inflict a severe wound upon our national pride; while the lust of territorial acquisition and aggrandizement, which was thus plainly betrayed, gave a deeper dye of injustice and rapine to the war into which we had been so recklessly plunged.

No time was afforded us, however, for reflections or deliberations of any sort. The message was referred at once to the Committee of the Whole on the state of the Union, and a bill was forthwith originated in that committee, under the lead of General McKay, of North Carolina, for placing two millions of dollars at the unlimited discretion of the President.

For the debate upon this bill, two or three hours of a hot summer afternoon were grudgingly allowed by the Democratic majority in this House, and these two or three hours were divided off into homœopathic portions of *five minutes* each. My honorable friend from New York, (Mr. Hugh White,)—the senior member of the New York delegation, and who, I hope, will long remain here to enjoy the dignity of that position—obtained the floor for the first five minutes, and I was fortunate or unfortunate enough to follow him. No amendment to the bill had then been adopted, and no *proviso* moved. But here is what I said on that occasion, as reported in the *National Intelligencer* at the time:

"Mr. Winthrop said that he should follow the example of his friend from New York, (Mr. White,) and confine himself to a brief statement of his views, reserving to himself the privilege of amplifying and enforcing them hereafter. The Administration and its friends had thought fit during the present session to frame more than one of their most important measures, so as to leave their opponents in a false position whichever way they voted. There were two things which he had not imagined, in advance, that any circumstances could have constrained him to do, and from which he would gladly have been spared. One of them was to give a vote which might appear to lend an approving sanction to a war which had been caused by the annexation of Texas; the other was to give a vote which might appear like an opposition to the earliest restoration of peace, either with Mexico or any other Power on earth. But he must let appearances take care of themselves. He was not here to pronounce opinions either upon the preamble of a bill or the phrases of a President's message. He was here to vote on substantial provisions of law, proposed with a view to their practical interpretation and execution. One of these votes he had given already, under circumstances which were familiar to the House and to the country. He believed it then, and he believed it now, upon the most deliberate reflection, to be the best vote of which the case admitted. And now, he greatly feared, that he was about to be compelled to give the other of these abhorrent votes. He could not and would not vote for this bill as it now stood.

"What was the bill? A bill to place two millions of dollars at the disposal of the President 'for any extraordinary emergencies which might arise out of our intercourse with foreign nations.' Not a word about peace. Not a word about Mexico. Not a syllable about the disputed boundaries on the Rio Grande. It was a vote of unlimited confidence in an Administra-

tion in which, he was sorry to say, there was very little confidence to be placed. They might employ this money towards buying California, or buying Cuba, or buying Yucatan, or buying the Sandwich Islands, or buying any other territory they might fancy in either hemisphere. If we turned to the message of the President, it was hardly more satisfactory. Nothing could be more evident than that this appropriation was asked for as the *earnest money* for a purchase of more territory. The message expressly stated that it was to be used in part payment for any concessions which Mexico might make to us. The President already had the claims of our citizens to deal with, to the amount of three millions or more. Here were two millions more to be placed in his hand, in cash. What was to be the whole payment, for which five millions of dollars was wanted as an advance? And where was this territory to be? The message, as if not willing to leave us wholly in the dark, had pointed expressly to the example of 1803—*to the purchase of Louisiana*—and this very bill (as Mr. W. understood) had been copied *verbatim* from the act by which that purchase was indirectly sanctioned. The President has thus called upon us, in language not to be misunderstood, to sanction, in advance, a new and indefinite acquisition of southern territory. To such an acquisition he (Mr. W.) was opposed. He had said heretofore, and he repeated now, that he was uncompromisingly opposed to extending the slaveholding territory of the Union. He wanted no more territory of any sort; but of this we had more than enough already.

"He cordially responded to the President's desires to bring about a just and honorable peace at the earliest moment. Nothing would give him more real satisfaction than to join in a measure honestly proposed for that purpose. He did not grudge the payment of the two millions. He would appropriate twenty millions for the legitimate purposes of a treaty of peace without a moment's hesitation. And he still hoped that this measure might assume a shape in which he could give it his support. Limit the discretion of the President to a settlement of those boundaries which have been the subject of dispute. Hold him to his solemn pledges, twice repeated, that he would be ready at all times to settle *the existing differences* between the two countries on the most liberal terms. Give him no countenance in his design to take advantage of the present war to force Mexico into the surrender, or even the sale, of any of her provinces. If any body wants a better harbor on the Pacific, let him wait till it can be acquired with less of national dishonor. But whatever you do or omit, give us at least to be assured that this appropriation is not to be applied to the annexation of another Texas, or even to the purchase of another Louisiana." [Here the hammer fell.]

This, Mr. Chairman, was my five minutes' speech on that memorable occasion. It was "brief as the posy of a lady's ring;"—but it contained quite as much substance as some that are longer. It embraced three distinct ideas; *first*, that I was opposed to the continuance, as I had been to the commencement, of the war with Mexico, and that I was ready to vote for any amount of money which might be demanded for the legitimate purposes of negotiating a treaty of peace; *second*, that I desired no further acquisition of territory on any side or of any sort; and *third*, that I was uncompromisingly opposed to extending the slaveholding territory of the Union.

And in conformity with this last view, when the honorable member from Pennsylvania [Mr. WILMOT] offered his celebrated *proviso* not long afterwards, I unhesitatingly voted for it.

Sir, I have never regretted that vote; nor have I ever changed, in any degree, the opinions and the principles upon which it was founded. Again and again, I have reiterated those opinions and vindicated those principles; and as my consistency and steadfastness on this point have been artfully drawn into question in some quarters, I must be pardoned for a few citations from speeches of my own, in which I have had occasion to allude to the subject, both in this House and elsewhere.

Here, sir, in the first place, is an extract from a speech delivered by me in Faneuil Hall on the 23d day of September, 1846, hardly more than six weeks after the occasion which I have just described:

"Sir, upon all the great points of this question, there is no difference of opinion whatever. All agree, that this war ought never to have been commenced. All agree, that it ought to be brought to a close at the earliest practicable moment. No man present denies that it originated, primarily, in the annexation of Texas; and secondarily, in the marching of the American army into

the disputed territory beyond the Nueces. And no man present fails to deplore and to condemn both of these measures. Nor is there a Whig in this assembly, nor, in my opinion, a Whig throughout the Union, who does not deprecate, from the bottom of his heart, any prosecution of this war, for the purpose of aggression, invasion, or conquest.

"This, this is the matter, gentlemen, in which we take the deepest concern this day. *Where, when, is this war to end, and what are to be its fruits?* Unquestionably, we are not to forget that it takes two to make a bargain Unquestionably, we are not to forget, that Mexico must be willing to negotiate, before our own Government can be held wholly responsible for the failure of a treaty of peace. I rejoice, for one, that the Administration have shown what little readiness they have shown, for bringing the war to a conclusion. I have given them credit, elsewhere, for their original overtures last autumn; and I shall not deny them whatever credit they deserve for their renewed overtures now. But, Mr. President, it is not everything which takes the name or the form of an overture of peace, which is entitled to respect as such. If it proposes unjust and unreasonable terms; if it manifests an overbearing and oppressive spirit; if it presumes on the power of those who make it, or on the weakness of those to whom it is offered, to exact hard and heartless conditions: if, especially, it be of a character at once offensive and injurious to the rights of one of the nations concerned, and to the principles of a large majority of the other; then it prostitutes the name of peace, and its authors are only entitled to the contempt which belongs to those who add hypocrisy to injustice.

"Mr. President, when the President of the United States, on a sudden and serious emergency, demanded of Congress the means of meeting a war, into which he had already plunged the country, he pledged himself, in thrice repeated terms, to be ready at all times to settle the existing disputes between us and Mexico, whenever Mexico should be willing either to make or to receive propositions to that end. To that pledge he stands solemnly recorded, in the sight of God and of men. Now, sir, it was no part of our existing disputes, at that time, whether we should have possession of California, or of any other territory beyond the Rio Grande. And the President, in prosecuting plans of invasion and conquest, which look to the permanent acquisition of any such territories, will be as false to his own pledges, as he is to the honor and interests of his country.

"I believe that I speak the sentiments of the whole people of Massachusetts—I know I speak my own—in saying that we want no more territorial possessions, to become the nurseries of new slave States. It goes hard enough with us, that the men and money of the nation should be employed for the defence of such acquisitions, already made; but to originate new enterprises for extending the area of slavery by force of arms, is revolting to the moral sense of every American freeman.

"Sir, I trust there is no man here who is not ready to stand by the Constitution of the country. I trust there is no man here who is not willing to hold fast to the union of the States, be its limits ultimately fixed a little on one side, or a little on the other side, of the line of his own choice. For myself, I will not contemplate the idea of the dissolution of the Union, in any conceivable event. There are no boundaries of sea or land, of rock or river, of desert or mountain, to which I will not try, at least, to carry out my love of country, whenever they shall really be the boundaries of my country. If the day of dissolution ever comes, it shall bring the evidence of its own irresistible necessity with it. I avert my eyes from all recognition of such a necessity in the distance. Nor am I ready for any political organizations or platforms less broad and comprehensive than those which may include and uphold the whole Whig party of the United States. But all this is consistent, and shall, in my own case, practically consist, with a just sense of the evils of slavery; with an earnest opposition to everything designed to prolong or extend it; with a firm resistance to all its encroachments on northern rights; and above all, with an uncompromising hostility to all measures for introducing new slave States and new slave Territories into our Union."

I come next, Mr. Chairman, to a speech delivered in this House on the 8th of January, 1847, when I found it necessary to oppose the passage of a bill for raising an additional military force. I think the bill was called, *the Ten Regiment bill.*

On that occasion, after alluding to the probable influence of the measure under consideration on the chances of a peace with Mexico, I proceeded to say, as follows:

"And where, too, is to be our *domestic peace*, if this policy is to be pursued? According to the President's plan of obtaining 'ample indemnity for the expenses of the war,' the longer the war lasts, and the more expensive it is made, the more territory we shall require to indemnify us. Every dollar of appropriation for this war is thus the purchase-money of more acres of Mexican soil. Who knows how much of Chihuahua, and Coahuila, and New Leon, and Durango, it will take to remunerate us for the expenses of these ten regiments of regulars, who are to be enlisted for five years? And to what end are we thus about to add acre to acre and

field to field? *To furnish the subject of that great domestic struggle,* which has already been foreshadowed in this debate!

Mr. Chairman, I have no time to discuss the subject of slavery on this occasion, nor should I desire to discuss it in this connection, if I had more time. But I must not omit a few plain words on the momentous issue which has now been raised. I speak for Massachusetts—I believe I speak the sentiments of all New England, and of many other States out of New England, —when I say, that upon this question our minds are made up. So far as we have power—constitutional or moral power—to control political events, we are resolved that there shall be no further extension of the territory of this Union, subject to the institutions of slavery.

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"I believe the North is ready to stand by the Constitution, with all its compromises, as it now is. I do not intend, moreover, to throw out any threats of disunion, whatever may be the result. I do not intend, now or ever, to contemplate disunion as a cure for any imaginable evil. At the same time I do not intend to be driven from a firm expression of purpose, and a steadfast adherence to principle, by any threats of disunion from any other quarter. The people of New England, whom I have any privilege to speak for, do not desire, as I understand their views—I know my own heart and my own principles, and can at least speak for them—to gain one foot of territory by conquest, and as the result of the prosecution of the war with Mexico. I do not believe that even the abolitionists of the North—though I am one of the last persons who would be entitled to speak their sentiments—would be unwilling to be found in combination with southern gentlemen, who may see fit to espouse this doctrine. We desire peace. We believe that this war ought never to have been commenced, and we do not wish to have it made the pretext for plundering Mexico of one foot of her lands. But if the war is to be prosecuted, and if territories are to be conquered and annexed, we shall stand fast and forever to the principle that, so far as we are concerned, these territories shall be the exclusive abode of freemen.

"Mr. Chairman, peace, peace is the grand compromise of this question between the North and the South. Let the President abandon all schemes of further conquest. Let him abandon his plans of pushing his forces to the heart of Mexico. Now, before any reverses have been experienced by the American arms, he can do so with the highest honor. Let him exhibit a spirit of magnanimity towards a weak and distracted neighbor. Let him make distinct proclamation of the terms on which he is ready to negotiate; and let those terms be such as shall involve no injustice towards Mexico, and engender no sectional strife among ourselves. But, at all events, let him tell us what those terms are to be. A proclamation of Executive purposes is essential to any legislative or any national harmony. The North ought to know them the South ought to know them; the whole country ought to understand for what ends its blood and treasure are to be expended. It is high time that some specific terms of accommodation were proclaimed to Congress, to Mexico, and to the world. If they be reasonable, no man will hesitate to unite in supplying whatever means may be necessary for enforcing them."

I come lastly, Mr. Chairman, to a speech which I made in this House on the 22d of February, 1847, and from which I shall venture to quote a still longer extract. It was on this occasion, sir, and in connection with these remarks, that I offered to the bill then pending—which was a bill making an appropriation of nearly thirty-five millions of dollars for the single item of supporting the army—a *proviso* in the following words:

"*Provided, further*, That these appropriations are made with no view of sanctioning any prosecution of the existing war with Mexico for the acquisition of territory to form new States to be added to the Union, or for the dismemberment in any way of the Republic of Mexico."

That, sir, was my proviso. And if anybody shall ever deem my name worthy of being associated with any legislative proposition, I hope this one will not be forgotten. I am willing that it should be known in all time to come as the *Winthrop proviso*.

It was indeed almost identical with a resolution proposed in the other branch of Congress, by an honorable Senator from Georgia, [Mr. BERRIEN,] and it shared the same fate with his resolution. Every Whig member present at the time, except *one*, voted in favor of its adoption. There were seventy-six Whigs in all, from all parts of the country, North and South, East and West, whose names are inscribed on the journals in favor of this proviso. But no Democrat voted for it; not one. And among the names of the one hundred and twenty-four Democrats who defeated it, may be

seen those of the honorable member from Pennsylvania, [Mr. WILMOT,] and of the honorable member from New York, [Mr. PRESTON KING,] side by side with those of the present Speaker of this House, [Mr. COBB,] of the present chairman of this committee, [Mr. BOYD,] and of all the other Southern Democrats of the day.

It was on this occasion, sir, that I expressed myself as follows:

"Mr. Chairman, I have intimated on another occasion that I do not go so far as some of my friends in regard to the propriety or expediency of withholding all supplies from the Executive. While a foreign nation is still in arms against us, I would limit the supplies to some reasonable scale of defence, and not withhold them altogether. I would pay for all services of regulars or volunteers already contracted for. I would provide ample means to prevent our army from suffering, whether from the foe or from famine, as long as they are in the field under constitutional authority. Heaven forbid that our gallant troops should be left to perish for want of supplies because they are on a foreign soil, while they are liable to be shot down by the command of their own officers if they refuse to remain there! But I cannot regard it as consistent with constitutional or republican principles to pass this bill as it now stands. Even if I approved the war, I should regard such a course of legislation as unwarrantable. Disapproving it, as I unequivocally and unqualifiedly do, I am the more induced to interpose these objections to its adoption.

"Sir, this whole Executive policy of overrunning Mexico to obtain territorial indemnities for pecuniary claims and the expenses of the war, is abhorrent to every idea of humanity and of honor. For one, I do not desire the acquisition of one inch of territory by conquest. I desire to see no fields of blood annexed to this Union, whether the price of the treachery by which they have been procured shall be three million pieces of silver or only thirty! I want no more *areas* of freedom. *Area*, if I remember right, signified *thrashing-floor*, in my old school dictionary. We have had enough of these areas, whether of freedom or slavery; and I trust this war will be brought to a close without multiplying or extending them.

"I repeat this the more emphatically, lest my vote in favor of the Three Million bill should be misinterpreted. Nothing was further from my intention, in giving that vote, than to sanction the policy of the Executive in regard to the territories of Mexico. If he insists, indeed, on pursuing that policy, and if a majority of Congress insist on giving him the means, I prefer purchase to conquest; and had rather authorize the expenditure of three millions to pay Mexico, than of thirty millions to whip her. But everybody must have understood that the *proviso* was a virtual nullification of the bill, for any purpose of acquiring territory, in the hands of a southern administration.

"It was for that *proviso* that I voted. I wished to get the great principle which it embodied fairly on the statute-book. I believe it to be a perfectly constitutional principle, and an eminently conservative principle.

"Sir, those who undertake to dispute the constitutionality of that principle must rule out of existence something more than the immortal ordinance of 1787. My honorable friend from South Carolina (Mr. BURT) reminded us the other day, that Mr. Madison, in the Federalist, had cast some doubt on the authority of the Confederation Congress to pass that ordinance. He did so; but with what view, sir? Not to bring that act into discredit, but to enforce upon the people of the United States the importance of adopting a new system of government, under which such acts might henceforth be rightfully done. This new system of government was adopted. The Constitution was established. In the very terms of that Constitution is found a provision recognising the authority of Congress to prevent the extension of slavery after a certain number of years "in the existing States," and to prevent *its introduction into the territories immediately.* What more? During the first session of the first Congress of the United States, under this new Constitution, this same Northwestern ordinance, with its anti-slavery clause, was solemnly recognised and reënacted. This is a fact never before noticed to my knowledge, and one to which I beg the attention of the House. Here is the eighth act of the first session of the first Congress. Listen to the preamble:

" 'Whereas in order that the ordinance of the United States, in Congress assembled, for the government of the territory northwest of the river Ohio, *may continue to have full effect*, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States:

" '*Be it enacted,*' &c.

"Then follow a few formal changes in regard to the governor and other officers. The sixth article of the ordinance remains untouched. Mr. Madison was a member of this first Congress, as were many others of those most distinguished in framing the new Constitution. And this bill passed both branches without objection and without any division, except upon some immaterial amendments.

" Here, then, we find the very framers of the Constitution themselves, in the first year of its adoption, applying the principle of the *Wilmot proviso* to *all the territories* which the General

Government then possessed, without compromise as to latitude or longitude. These territories were as much the fruit of the common sacrifices, common toils, and common blood of all the States, as any which can be conquered from Mexico. They were the joint and common property of the several States. The ordinance was unanimously adopted in 1787, and was reënacted unanimously in 1789. Madison, who had questioned the authority of the Congress of the Confederation to pass it originally, voted for it himself in the Congress of the Constitution, and all his colleagues from the slaveholding States voted for it with him. Sir, if the constitutionality of such an act can now be disputed, I know not what principle of the Constitution can be considered as settled.

"I have said that I regarded this principle as eminently *conservative*, as well as entirely constitutional. I do believe, sir, that whenever the principle of this *proviso* shall be irrevocably established, shall be considered as unchangeable as the laws of the Medes and Persians, then, and not till then, we shall have permanent peace with other countries, and fixed boundaries for our own country. It is plain that there are two parties in the free States. Both of them are opposed—uncompromisingly opposed, as I hope and believe—to the extension of slavery. One of them, however, and that the party of the present Administration, are for the widest extension of territory, subject to the anti-slavery proviso. The other of them, and that the party to which I have the honor to belong, are, as I believe, content with *the Union as it is*, desire no annexation of new States, and are utterly opposed to the prosecution of this war for any purpose of dismembering Mexico. Between these two parties in the free States the South holds the balance of power. It may always hold it. If now, therefore, it will join in putting an end to this war, and in arresting the march of conquest upon which our armies have entered, the limits of the Republic as well as the limits of slavery may be finally established.

"It is in this view that I believe the principle of the *Wilmot proviso* to be the great conservative principle of the day; and it is in this view that I desire to place it immutably upon our statute books. The South has no cause to be jealous of such a movement from our side of the House. The South should rather welcome it—the whole country should welcome it—as an overture of domestic peace.

"Sir, much as I deplore the war in which we are involved—deeply as I regret the whole policy of annexation—if the result of these measures should be to ingraft the policy of this proviso permanently and ineradicably upon our American system, I should regard it as a blessing cheaply purchased. Good would, indeed, have been brought out of evil; and we should be almost ready to say with the great dramatist of old England—

> " 'If after every tempest comes such calm,
> Let the winds blow till they have wakened death.'

"Yes, sir, in that event, instead of indulging in any more jeers and taunts upon the Lone Star of Texas, we might rather hail it as the star of hope, and promise, and peace; and might be moved to apply to it the language of another great English poet—

> " 'Fairest of stars! *last in the train of night*,
> If rather thou belong'st not to the dawn.'

"If we could at last lay down permanently the boundary of our Republic—if we could feel that we had extinguished forever the lust of extended dominion in the bosoms of the American people—if we could present that old god *Terminus*, of whom we have heard such eloquent mention elsewhere, not with out-stretched arm still pointing to new territories in the distance, but with limbs lopped off, as the Romans sometimes represented him, betokening that he had reached his very furthest goal—if we could be assured that our limits were to be no further advanced, either by purchase or conquest, by fraud or by force—then, then we might feel that we had taken a bond of fate for the perpetuation of our Union.

"It is in this spirit that I voted for the proviso in the Three Million bill. It is in this spirit that I offer the third proviso to the Thirty Million bill before us. Pass them both—cut off, by one and the same stroke, all idea both of the extension of slavery and the extension of territory—and we shall neither need the three millions, nor the thirty millions, for securing peace and harmony, both at home and abroad."

Mr. Chairman, I know not but that I might be induced to abate something of the ambitious rhetoric of these remarks, if I were making the speech over again; but I do not desire to change one jot or tittle of their substantial matter. I adhere, this day, to all the sentiments and all the principles of that speech; and, so far as they are applicable to the present moment and to existing circumstances, and so far as may consist with the paramount duty which I owe to the peace and the union of my country, I intend to shape my course with a view of carrying them out to their practical fulfilment.

I have long ago made up my mind, that, whatever prospect there may be of adjusting and reconciling the conflicting interests and claims of different portions of the Union, there is no prospect, and no possibility, of harmonizing their discordant opinions. Certainly, sir, neither labored arguments, nor heated appeals, nor angry menaces; neither threats of disorganization here, nor of conventions elsewhere, have done anything towards accomplishing such a result, so far as I am concerned.

I hold now, as I held three years ago, that it is entirely constitutional for Congress to apply the principles of the ordinance of 1787 to any territory which may be added to the Union.

I hold now, as I held then, that the South have no right to complain of such an application of these principles by those of us who have declared this doctrine in advance, and who have steadily opposed all acquisition of territory.

I hold now, as I held then, that their reproaches and fulminations ought to be exclusively reserved for those among themselves, and for their allies in other parts of the country, who have persisted in bringing this territory into the Union, with the distinct understanding that it was "*to furnish the subject of this great domestic struggle.*"

I hold now, too, as I held then, that one of the greatest advantages of engrafting these principles unchangeably upon our national policy, would be to extinguish the spirit of annexation and conquest in the region where we all must acknowledge that it has ever been most rife, and thus to secure for us "*permanent peace with other countries, and fixed boundaries for our own country.*"

Do you remember, Mr. Chairman, that old classical dialogue between Pyrrhus, the King of Epirus, and his eloquent counsellor, Cineas? Pyrrhus, we are told, in disclosing his plans of government, had stated his purpose of subjecting Italy to his sway; when Cineas asked, "And having overcome the Romans, what will your majesty do next?" "Why, Sicily," said the King, "is next door to Italy, and it will be easy to subdue that." "And having got possession of Sicily," said the counsellor, "what next will be your royal pleasure?" "I have a mind, then," said Pyrrhus, "to pass over into Africa." "And what after that?" said Cineas. "Why then, at last, we will give ourselves up to quiet, and enjoy a delightful peace." "But what," rejoined the wise and sagacious counsellor, "what prevents you from enjoying that quiet and that delightful peace now?"

I can conceive such a dialogue passing between one of our late American Presidents and some confidential friend or Cabinet adviser. "I have a mind to annex Texas." "And what will you do next?" "Why, Mexico is next door to Texas, and it will be easy to subject her to our arms." "And having conquered Mexico, and taken possession of such of her provinces as you desire, what next does your excellency propose?" "I think we shall then be ready for passing over to Cuba." "And what after that?" Why, then, we will devote ourselves to peace, and enjoy a quiet life." "And why, why—it might well have been asked—should you not enjoy that peace and quiet now? Why will you persist in disturbing the quiet, and perilling the peace, and putting in jeopardy the glorious Union, you now enjoy, by rushing into so wild, so wanton, and, I had almost said, so wicked a policy?"

Sir, it is not to be denied that it is this spirit of annexation and conquest,

growing by what it feeds on, which has involved us in all our present troubles, and which threatens us with still greater troubles in future. We are reaping the natural and just results of the annexation of Texas, and of the war which inevitably followed that annexation. We have almost realized, (as I believe I have somewhere else said,) the fate of the greedy and ravenous bird in the old fable. Æsop tells us of an eagle, which, in one of its towering flights, seeing a bit of tempting flesh upon an altar, pounced upon it, and bore it away in triumph to its nest. But, by chance, he adds, a coal of fire from the altar was sticking to it at the time, which set fire to the nest and consumed it in a trice. And our American eagle, sir, has been seen stooping from its pride of place, and hovering over the altars of a weak neighboring power. It has at last pounced upon her provinces, and borne them away from her in triumph. But burning coals have clung to them! Discord and confusion have come with them! And our own American homestead is now threatened with conflagration!

This, Mr. Chairman, is the brief history of our condition. I trust in heaven that the lesson will not be lost upon us. Gentlemen talk of settling the whole controversy which has been kindled between the North and the South by some sweeping compromise, or some comprehensive plan of reconciliation. I hope that the controversy will be settled, sir; but I most earnestly hope and pray, that it will not *so* be settled, that we shall ever be in danger of forgetting its origin. I hope and pray that it will not *so* be settled, that we shall ever again imagine, that we can enter with impunity on a career of aggression, spoliation, and conquest! This embittered strife, this protracted suspense, these tedious days and weeks and months of anxiety and agitation, will have had their full compensation and reward, if they shall teach us never again to forget the curse which has been pronounced upon those "who remove their neighbors' land-marks;"—if they shall teach us to realize, in all time to come, that a policy of peace and justice towards others, is the very law and condition of our own domestic harmony and our own national Union!

And now, Mr. Chairman, how is the great controversy by which our country is agitated, to be settled?

In the first place, sir, I do not believe that it is to be settled by multiplying and accumulating issues. I have no faith in the plan of raking open all the subjects of disagreement and difference which have existed at any time between different sections of the country, with a view of attempting to bring them within the influence of some single *panacea*. Certainly, sir, if such a plan is to be attempted, we are not to forget that there are two sides to the question of aggression. The Southern States complain, on the one side, that some of their runaway slaves have not been delivered up by the free States, agreeably to the provisions of the Constitution of the United States. The Northern States complain, on the other side, that some of their freemen have been seized and imprisoned in the slave States, contrary to the provisions of the same Constitution. I was, myself, called upon some years ago, by the merchants and ship-owners of Boston—as patriotic a body of men as can be found on the face of this continent, and whose zeal for liberty is not less conspicuous than their devotion to Union—to bring this latter subject to the attention of Congress. I made a report upon it to this House in 1843, in which, among other remarks, I used the following language:

"That American or foreign seamen, charged with no crime, and infected with no contagion, should be searched for on board the vessels to which they belong; should be seized while in the discharge of their duties, or, it may be, while asleep in their berths; should be dragged on shore and incarcerated without any other examination than an examination of their skins; and should be rendered liable, in certain contingencies, over which they may have no possible control, to be subjected to the ignominy and agony of the lash, and even to the infinitely more ignominious and agonizing fate of being sold into slavery for life, and all for purposes of *police*—is an idea too monstrous to be entertained for a moment."

Now, sir, I will not undertake to compare the two grievances to which I have thus alluded. But this I do say, that if the one is to be insisted on as a subject for immediate redress and reparation, I see not why the other should not be also. For myself, I acknowledge my allegiance to the whole Constitution of the United States, and I am willing to unite in fulfilling and enforcing, in all reasonable and proper modes, every one of its provisions. I recognise, indeed, a Power above all human law-makers, and a Code above all earthly constitutions! And whenever I perceive a plain conflict of jurisdiction and authority between the Constitution of my country and the laws of my God, my course is clear. I shall resign my office, whatever it may be, and renounce all connection with public service of any sort. Never, never, sir, will I put myself under the necessity of calling upon God to witness my promise to support a constitution, any part of which I consider to be inconsistent with his commands.

But it is a libel upon the Constitution of the United States—and, what is worse, sir, it is a libel upon the great and good men who framed, adopted, and ratified it; it is a libel upon Washington, and Franklin, and Hamilton, and Madison, upon John Adams, and John Jay, and Rufus King; it is a libel upon them all, and upon the whole American people of 1789, who sustained them in their noble work; and upon all who, from that time to this, generation after generation, in any capacity, National, Municipal, or State, have lifted their hands to heaven, in attestation of their allegiance to the Government of their country—it is a gross libel upon every one of them, to assert or insinuate that there is any such inconsistency! Let us not do such dishonor to the Fathers of the Republic, and to the Framers of the Constitution. It is a favorite policy, I know, of some of the ultraists in my own part of the country, to stigmatize the Constitution of the United States as a *pro-slavery compact*. I deny it, sir. I hold, on the other hand, that it is a *pro-liberty* compact—the most effective pro-liberty compact which the world has ever seen, Magna Charta not excepted—and one which every friend to liberty—human liberty, or political liberty—ought steadfastly to maintain and support.

"'To secure the blessings of liberty to ourselves and our posterity,'"—this was the grand climax in that enumeration of its objects which constitutes its well-remembered preamble. This was the object for which it was avowedly, and for which it was really framed; and this is the object which it has, in fact, beyond all other instruments, advanced and promoted.

The Convention which framed that instrument found African slavery, indeed, a fixed fact upon our soil; and some of the provisions which they adopted, had undoubted and admitted reference to that fact. But what is the legitimate interpretation of these provisions? It is a remark, I think, as old as Epictetus, that everything has *two handles;* and it is as true of these provisions as of everything else, that we must take hold of them by the right handle, in order to understand their true design.

We are told that the Constitution encouraged slavery by providing for the toleration of the African slave-trade for twenty years. In my judgment, sir, it should rather be said, that the Constitution struck a strong, and, as its framers undoubtedly believed, a fatal blow at slavery, by securing to the Federal Government the power, which it never before possessed, to prohibit that trade at the end of twenty years.

We are told, that it encouraged slavery, by making it the basis of representation in this House. In my judgment, it should rather be said, that it discouraged slavery, by taking away two-fifths of that representation to which the southern States would have been entitled on their black population, if that population had been a wholly free population.

We are told that it encouraged slavery, by providing for the suppression of *insurrections*. But every body knows, that this provision had as much reference to insurrections in the free States as in the slave States; and that, in point of fact, it was Shay's rebellion in Massachusetts, which, being in progress at the very period when the Constitution was under consideration, gave an immediate impulse to the movement by which the power of interfering in such cases was conferred on the Federal Government. "Among the ripening incidents," said Mr. Madison, in his account of the circumstances which led to the adoption of the Constitution, "was the insurrection of Shay, in Massachusetts, against her government, which was with difficulty suppressed, notwithstanding the influence on the insurgents of an apprehended interposition of the Federal troops."

We are told, finally, that the Constitution encouraged slavery, by a provision for the surrender of persons "held to service or labor." Now, sir, even this provision fulfils the suggestion which was made by Mr. Madison at the time the Constitution was framed, and "avoids the idea that there can be property in man." It demands of us only a recognition of the admitted and familiar fact, that that there may be property in "the service or labor" of man. It provides for the restoration of all runaways alike, white or black, who may be "held to service or labor" for life or for years, as indented apprentices or otherwise, in any part of the country, precluding all right on the part of any of the States to inquire, for any purpose of discrimination, in regard to fugitives from other States, by what tenure, of temporary contract or of hereditary bondage, they are held to such "service or labor." If by some emancipation act, like that which was adopted many years ago by Great Britain in reference to her West India colonies, the slaves in our southern States should be converted into apprentices for a term of years, this article of the Constitution would be as applicable to that state of things, as it is to the state of things now existing. It has no necessary or exclusive relation to the existence of slavery. But taking it, as it was unquestionably intended, as a provision for the restoration of slaves, as long as slavery shall exist, is there enough in this clause of the Constitution to justify any one in branding that instrument with the abhorrent title of a *pro-slavery compact?*

Sir, the Constitution is to be considered and judged of as a whole. The provisions which relate to the same subject-matter, certainly, are to be examined together, and compared with each other, in order to obtain a just interpretation of its real character and intent. Let this clause, then, be taken in connection with that which has authorized and effected the anni-

hilation of the African slave trade, as a lawful trade, from any part of this vast American Union. Let the few cases in which individual fugitives may be remanded to their captivity, in conformity with one of these provisions, be compared with the countless instances in which whole shiploads of freemen would have been torn from their native soil and transported into slavery, but for the other; and then tell me what is the just designation of the compact which contains them both! Suppose, sir, for a moment, that the framers of the Constitution had resolved to *ignore* the existence of slavery altogether; suppose that the idea, which I have sometimes heard suggested as a desirable one, had been adopted by them at the outset, and that all the pre-existing rights of the States in regard to slavery and all its incidents had been left unrestricted and unaltered; would that have better subserved the great cause of human liberty? We should have had, indeed, no fugitive slave clause. But for every slave who made his escape, we should have had a hundred slaves, freshly brought over from Africa, Brazil, or the West Indies, as long as there was a foot of soil on which they could be profitably employed; and every one of them must have been counted, not as *three-fifths*, but as a whole man, to swell the basis of that representation by which the slave interest would have been rendered predominant forever in our land!

Undoubtedly, Mr. Chairman, there are provisions in the Constitution which involve us in painful obligations, and from which some of us would rejoice to be relieved, and this is one of them. But there is none, none, in my judgment, which involves any conscientious or religious difficulty. I know no reservation, equivocation, or evasion, in the oath which I have so often taken to support that Constitution; and whenever any measure is proposed to me for fulfilling or enforcing any one of its clear obligations or express stipulations, I shall give to it every degree of attention, consideration, and support, which the justice, the wisdom, the propriety, and the practicability of its peculiar provisions may demand or warrant. In legislating, however, for the restoration of Southern slaves, I shall not forget the security of Northern freemen. Nor, in testifying my allegiance to what has been termed the Extradition clause of the Constitution, shall I overlook those great fundamental principles of all free governments—*the Habeas Corpus and the Trial by Jury*.

But I repeat, Mr. Chairman, that I am for giving a separate and independent consideration to separate and independent measures. I am for dealing with present and pressing difficulties by themselves, and for acting upon others afterwards as they arise.

The great questions, which demand our consideration at this moment, are those which relate to our new territorial acquisitions; and to them, and them alone, I am now for devoting myself. And the first of these questions is that which relates to California.

What is California? But yesterday, sir, it was a colony in embryo. But yesterday—to use the language which Mr. Burke once applied to America—it was "a little speck, scarce visible in the mass of national interest; a small seminal principle, rather than a formed body." To-day, it presents itself to us an established Commonwealth, and is knocking at our doors for admittance to the Union as a free and independent State. Shall it be turned away? Shall it be remanded to its colonial condition? Shall we at-

tempt to crowd back this full-grown man into the cradle of infancy? And that, too, in spite of the express provisions of the treaty by which it was acquired, "that, at the proper time, it shall be incorporated into the Union?"

Upon what pretence shall such a step be taken? Why is not this the proper time? Is it said that there has been some violation of precedents in her preparatory proceedings? Where will you find a precedent in any degree applicable to her condition? When has such a case been presented in our past history? When may we look for another such in our future progress? "Who hath heard such a thing? Who hath seen such things? Shall the earth be made to bring forth in one day? Or shall a nation be born at once?"

Is it said that she has not population enough? The best accounts which we can obtain estimate her population at more than a hundred thousand souls; and these, be it remembered, are nearly all full-grown persons, and a vast majority of them men, and voters. And what, after all, are any estimates of population worth, in such a case? As the same great British orator, whom I have just quoted, said of the American colonies in 1775: "Such is the strength with which population shoots in that part of the world, that, state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it."

Is it said that her boundaries are too extensive? You did not find this fault with Texas. Texas, with the boundaries which are claimed by her, has three hundred and twenty-five thousand five hundred and twenty square miles; and, with any boundaries which are likely to be asssigned to her, she will have more than two hundred thousand square miles. California, under her own Constitution, has but one hundred and fifty-five thousand five hundred and fifty square miles of territory, of which one-half are mere mountains of rock and ice, and another quarter a desert waste!

Do you complain of the length of her sea-coast? You did not find this fault with Florida, whose sea-coast and gulf coast together, (if I am not greatly mistaken,) is more than one-third longer than that of California. And where will you divide the great valley of the Sacramento and San Joaquin, without the greatest injury and injustice to those who dwell in it? And for what will you divide it, except to make two free States, where only one is now proposed, and thus to double the cause of Southern jealousy and sectional opposition?

I declare to you, sir, that, in my judgment, if any fault is to be found with the dimensions of California, it is to be found by the free States, who might reasonably look to have two States, instead of one, added to their number, from so vast a territory.

Is it said that her constitution has been *cooked!* Who cooked it? That her people have been tampered with? Who tampered with them? As has been truly said, we have a Southern President and a majority of Southern men in the Cabinet; and they sent a Southern agent—a Georgia member of Congress—a gentleman, let me say, for whose character and conduct I have the highest respect—to bear their despatches and communicate their views to the California settlers.

Is it said that these settlers are a wild, reckless, floating population, bent only upon digging gold, and unworthy to be trusted in establishing a government? Sir, I do not believe a better class of emigrants was ever found

flocking in such numbers to any new settlement on the face of the earth. The immense distance, the formidable difficulties, and the onerous expense of the pilgrimage to California, necessarily confined the emigration to men of some pecuniary substance, as well as to men of more than ordinary physical endurance. We have all seen going out from our own respective neighborhoods, not a few hardy, honest, industrious, patriotic young men,

> "Bearing their birthrights proudly on their backs,
> To make a hazard of new fortunes there;"

and, in their name, sir, I protest against the constitution which they have adopted being condemned on any score of its paternity.

Is it said, finally, Mr. Chairman, as a ground for rejecting California, that she has prohibited slavery in her constitution? No, no, sir; nobody will venture to urge *that* as an objection to her admission into the American Union. Even those who would willingly have had it otherwise, must be glad in their own hearts, whether they confess it or not, that she has settled that question for herself; that she has saved us from the difficulties and dangers which would have attended an attempt to settle it for her here. While some of us will go still further, and, without intending any offence to others, will thank God openly, that this infant Hercules of the West has strangled the serpents in the cradle; that this youthful giant of the Pacific presents himself to us self-dedicated to freedom; and stands a self-pledged and self-posted sentinel—side by side with Oregon—against the introduction of slavery, by sea or by land, into any part of that trans-Alpine territory! Had it been otherwise, sir, and had the soil and climate proved in any degree favorable, who can tell what renewal of the horrors of *the middle passage* might have been witnessed, in transporting slaves under the American flag into regions so remote and difficult of access!

"But what is to become of our *equilibrium?*" says an honorable friend from South Carolina or Alabama. "What security are the Southern States to have against the growing preponderance of Northern power."

Mr. Chairman, half the troubles which have convulsed the old world for two centuries past, have grown out of an imagined necessity of preserving the balance of power, or maintaining what is now denominated a sectional equilibrium. And so it will be here. The very idea of this equilibrium is founded on views of sectional jealousy, sectional fear, sectional hostility and hate. It pre-supposes an encroaching and oppressive spirit on one side or the other, which waits only for the power and the opportunity to make itself felt; and, depend upon it, sir, it will produce the very state of things which it supposes. But no such state of things exists now.

Nothing, certainly, can be more unfounded than the idea, that the North has any hostility to the South; or that Northern men, as a class, are desirous of injuring, or even of irritating, their Southern brethren. They know that the interests of all parts of the country are bound up together in the same bundle of life or death, for the same good or evil destiny, and that no one member of the Confederacy can suffer without the whole body suffering with it "*Unum et commune periclum; una salus.*" They desire—from a mere selfish interest of their own, if you will have it so—the prosperity and welfare of the Southern States, and rejoice at every indication of their increasing wealth and power. They believe, indeed, that the worst enemy of these States, is that which they cherish so jealously and so pas-

sionately within their own bosom. They believe slavery to have originated in a monstrous wrong. They believe its continuance to be a great evil. They are, undoubtedly, of opinion, that in this day of civilization and Christianity, it would well become those who are responsible for its continuance, to be looking about at least for some prospective and gradual system by which, at some far distant, if not at some earlier day, it may be brought to an end. They are ready, as I believe, to bear their share of the cost and sacrifice of any such system. But they know that they themselves have no power over the subject. They acknowledge, that so far as slavery in the States is concerned, they possess no constitutional right to interfere with it in any way whatever. If there be any thing upon which the whole North is united, and in which men of all parties, of all professions, of all conditions, agree, it is in recognising, in clear and unmistakable characters, as to slavery within the States, a constitutional prohibition of interference.

But, Mr. Chairman, this idea that a free State is never to be admitted to the Union without a slave State to match it, is, in my judgment, as impracticable as it is unjustifiable. We shall have to enter upon a fresh career of annexation and conquest to carry it out—if it is to be carried out at all. When Texas shall have been exhausted by the admission of the two or three more slave States, which it has been so strongly contended that we have already stipulated to admit, you will have to go farther and farther South to find fresh material to manufacture slave States out of, for the sake of *equilibrium*.

Walter Scott, in one of his inimitable essays, under the *sobriquet* of Malachi Malagrowther, tells us of a castle of the olden time, the steward of which had such a passion for regularity, that when a poacher, or a rogue of any sort, was caught and put in the pillory on one side of the gate, he gave half a crown to an honest laborer to stand in the other pillory opposite to him! This, sir, was all for uniformity's sake, and to preserve the *equilibrium*. And we shall have to adopt a similar course, if this idea of equilibrium is to be adopted; we shall be called on systematically to plant slavery upon free soil, if not to put manacles upon free men, for uniformity's sake.

Sir, you did not wait for a free State to come in hand-in-hand with Texas. You regarded no principles of equilibrium or uniformity on that occasion. You brought her in to disturb the equilibrium then existing, and to secure for the South a preponderance in at least one branch of the Government. And with this example in our immediate view, the North, the free States, cannot but feel aggrieved, if the admission of California is to be made in any degree dependent upon considerations of this sort. We do not say that she has an absolute right to be admitted to-day or to-morrow. But we do say, that a rejection or a postponement of her admission, on mere grounds of sectional equilibrium, would be an offence without either provocation or justification.

And now, sir, entertaining such views, I need hardly add that, in my judgment, California ought to be admitted to the Union without more delay, as a separate, independent measure. I am opposed to any scheme for qualifying or coupling it with other arrangements. I am opposed to all *omnibus* bills, and all amalgamation projects. It is unjust to California to embarrass, and perhaps peril, her admission, by mixing her up with matters of a controverted character. It is still more unjust to a large majority of this House,

who desire to record their names distinctly for her admission as a State, to deny them the proper, legitimate, parliamentary mode of doing so, by annexing to the same bill provisions against which not a few of them are solemnly pledged. What would Southern gentlemen say, if we were wantonly to insist on inserting a Wilmot proviso in the California bill? Let them forbear to teach us bloody instructions, which may return to plague the inventor. The ingredients of the poisoned chalice may yet be commended to their own lips. Let them remember, that there may be a point of honor at the North as well as at the South. Let them remember, that the same voice of patriotism which cries to the North "give up," says to the South also, "keep not back." Let them reflect, how far it is generous towards those Northern members who have consented thus far to waive any struggle for the *proviso*, to drive them to the odious alternative of rejecting what they desire to adopt, or of adopting what they may feel constrained to reject.

And now, sir, turning from California, what remains? New Mexico and Deseret or Utah. And what are we to do with them? Nothing, nothing, I reply, which shall endanger the harmony and domestic peace of these United States.

Undoubtedly, Mr. Chairman, my own honest impulse and earnest disposition would be to organize territorial governments over both of them, and to engraft upon those governments the principles of the ordinance of 1787. If I were consulting only my own feelings, or what I believe to be the wishes and views of the people of New England, this would be my unhesitating course. Though believing, as I do, that the laws of Mexico, abolishing slavery, are still in force there, I would yet make assurance doubly sure, and take a bond of fate against the introduction of slavery into any territory where it does not already exist.

But, sir, I am not for overturning the government of my country, or for running any risk of so disastrous a result, in order to accomplish this object in the precise mode which would be most satisfactory to myself. No, sir; nor would I press such a course pertinaciously upon Congress, even although the consequences should be nothing more serious than to plant a sting in the bosoms of the people of the South, or to leave an impression in their minds that they had been wronged and humiliated by the Government of their own country.

I hold to the entire equality of all the citizens of this Republic, and of all the States of this Union. And while I wholly deny that the course which I have suggested would in any degree infringe upon this equality, while I can by no means admit that a prohibition of slavery in the territories would encroach a hair's breadth upon the just rights of the Southern States or the Southern people, I would yet willingly and gladly forbear from any unnecessary act which could even give color to such an idea. So far as my own sense of duty will allow me to go, or to forbear from going, it shall never be my fault, if any human being in this wide-spread Republic shall even imagine that he has been injured or assailed either in his person, his property, or his feelings.

What, then, am I ready to do? Sir, I have already expressed my intention to stand by the President's plan on this subject; and nothing has since occurred to change that intention. I have heard this plan stigmatized as a

weak and contemptible plan; but I believe it to be a wise and a patriotic plan, and one which, whether it succeeds or fails, will have entitled the President to the unmingled respect and gratitude of the American people.

My honorable friend from New York [Mr. DUER] has anticipated me in most of the views which I had intended to take of this plan, and I should only weaken their impression by presenting them over again. But I cannot forbear dwelling for a moment upon a single consideration connected with it.

The President in his annual message, after stating his belief that "the people of New Mexico would, at no very distant day, present themselves for admission into the Union," says as follows:

"By awaiting their action, all causes of uneasiness may be avoided, and confidence and kind feeling preserved. With a view of maintaining the harmony and tranquillity so dear to all, we should abstain from the introduction of those exciting topics of a sectional character which have hitherto produced painful apprehensions in the public mind; and I repeat the solemn warning of the first and most illustrious of my predecessors against furnishing 'any ground for characterizing parties by *geographical* discriminations.'"

Again, in his message of January 21, communicating his views in more detail upon the subject before us, he says:

"No material inconvenience will result from the want, for a short period, of a government established by Congress over that part of the territory which lies eastward of the new State of California; and the reasons for my opinion, that New Mexico will at no very distant period ask for admission into the Union, are founded on unofficial information, which I suppose is common to all who have cared to make inquiries on that subject.

"Seeing, then, that the question which now excites such painful sensations in the country, will in the end certainly be settled by the silent effect of causes independent of the action of Congress, I again submit to your wisdom the policy recommended in my annual message, of awaiting the salutary operation of those causes, believing that we shall thus avoid the creation of *geographical parties*, and secure the harmony of feeling so necessary to the beneficial action of our political system."

This, sir, is the great beauty, the crowning grace of the President's proposition. His is, in my judgment, the only plan which gives a triumph to neither side of this controversy, and to neither section of the Union, and which, thus, leaves no just pretence for the formation of *geographical* parties.

The passage of what has been called the Wilmot proviso would, we all understand, under present circumstances, unite the South as one man, and if it did not actually rend the Union asunder, would create an alienation and aversion in that quarter of the country, which would render the Union hardly worth preserving.

On the other hand, sir, I cannot suppress my apprehensions, that the organization of territorial governments by Congress without any anti-slavery clause, would only transfer the agitation and indignation to the other end of the Republic, and would tend freshly to inflame a spirit which we all desire, and which Southern men, especially, cannot fail to desire, to see forever extinguished.

Mr. Chairman, there must be something of reciprocity in any arrangement by which this question is to be settled. But I can see none—none whatever in the plan of admitting California, organizing the two territories without condition, and settling the boundaries of Texas, as proposed in the same bill. What concession does the South make in such an arrangement? The admission of California? I cannot admit that there is any concession in that. If there be any objections to the admission of California,

they are national and not sectional in their character, arising out of irregularities in her preparatory proceedings, and not out of the substantial provisions of her constitution. And yet, in consideration of this admission, the North is called on not merely to waive any anti-slavery action in regard to two territories, but to sanction, as I understand it, the positive introduction of slavery where the South itself has already prohibited it. By the resolutions of annexation, all of Texas above 36° 30′ is to be free soil; but, by this plan, we are to purchase all this, and unite it to New Mexico, and then abrogate the prohibition!

Sir, the true ground for conciliation is the middle ground, on which both sides can meet without the abandonment of any principle, or the sacrifice of any point of honor. Such, in my judgment, is the ground upon which the President has planted himself; and I cannot hesitate to express my belief, that if party feelings had never entered into this question; if these pernicious and poisonous elements could have been eliminated from the controversy in which we are engaged, the great mass of the American people, from the South and from the North, from the West and from the East, would have been found rallying round the Executive upon this precise ground, and settling all their differences in harmony and concord.

Tell me not that New Mexico and Deseret may be left a little while longer without a government by such a course. Better that they should go without a government forever, than that our own Government should be broken up! Better that they should be sundered from us eternally, than that they should be instrumental in sundering us from each other! But no such alternative is involved in this policy. The people who occupy those territories are capable of self-government, and no sooner shall we have finally announced to them this policy, than they will follow the example of California, and relieve us of all further responsibility.

It has been suggested in some quarters that the President has changed his position, and deserted his original platform. This is not the first time, sir, such a charge has been brought against General Taylor. The Mexicans proclaimed that he had changed his plan, and deserted his post, and fled from the defence of his friends, when he made that masterly and matchless movement from Fort Brown to Point Isabel. But they discovered their error before many days were over, and found to their cost that they had mistaken their man. I have not the slightest authority to speak for the President, nor would it be parliamentary for me to do so, if I had; but I am strongly inclined to the belief, that those who imagine that he either has changed, or means to change, his views on this subject, will be equally disappointed.

For myself, sir, I can truly say that I adopt this plan in a spirit of conciliation and concession, regarding it as a compromise worthy of a Southern President to offer, and worthy of both the Southern and Northern people to accept.

I know that there have been many reproaches and criminations dealt out against some of us by the ultraists of the free States, for being willing to make even this compromise. Because we are not quite so rampant and roysterous in regard to the anti-slavery proviso as some of its peculiar friends, we are charged with inconsistency, desertion, and treachery. Now, sir, I am one of those who think that Northern men can afford to be a little for-

bearing upon this subject, without incurring any just liability to such imputations. I am of opinion that there is ample reason to be found in the changed condition of public affairs, in the altered circumstances of the case, for the evident relaxation of the Northern sentiment on the subject of this proviso, and for the manifest willingness of the northern mind to acquiesce in what has been called the *non-action* policy of the President.

Why, sir, at the time that proviso was originally proposed—at the time it was made the subject of such ardent protestations of uncompromising devotion—what was the state of the country and of the question? We were then at war with Mexico, and with the strongest reason to apprehend that this war was to be pressed even to the extinction and absorption of the whole Mexican Republic. A vast, undefined extension of territory was thus in prospect, upon which slavery was, or was not, to be planted and established. That war, thank Heaven, has been brought to a close. We are now at peace; and what is more, sir, the treaty of peace has been so arranged, and the boundary line so run, that, though we may hesitate to admit that Nature has everywhere settled the question against slavery, we must, yet, all perceive and acknowledge that the territory which has been acquired holds out but little comparative temptation or inducement to its introduction.

What else has occurred? Why, sir, at the time we all committed ourselves so hotly to the support of the proviso, no government had yet been established in Oregon, and a purpose had been exhibited to insist upon the right of slavery to go there. Since then, the principles of the ordinance of 1787 have been extended, by solemn enactment, over that whole territory.

What further have we witnessed? Why, sir, California—California, a thousand fold the most important and valuable part of the territories acquired from Mexico, has settled the question for herself, and spontaneously dedicated the treasures of her virgin soil, and the riches of her magnificent mines, to the labor of freemen forever!

Sir, I do not say that there is to be found in all this the slightest justification for an abandonment of Northern principle. But is there not, is there not, ample reason for an abatement of the Northern tone, for a forbearance of Northern urgency, upon this subject, without the imputation of tergiversation and treachery?

I think, sir, that I do not undervalue the importance of the great principles of the ordinance of 1787, and of that proviso which I prefer henceforth to associate with the great names of *Thomas Jefferson*, and *Nathan Dane*, and *Rufus King*, rather than with that of any public man of the present day, however distinguished or notorious he may have become. But I can never put the question of extending slave soil on the same footing with one of directly increasing slavery and multiplying slaves. If a positive issue could ever again be made up for our decision, whether human beings, few or many, of whatever race, complexion, or condition, should be freshly subjected to a system of hereditary bondage, and be changed from freemen into slaves, I can conceive that no bonds of union, no ties of interest, no chords of sympathy, no considerations of past glory, present welfare ,or future grandeur, would be suffered to interfere for an instant with our resolute and unceasing resistance to a measure so iniquitous and abominable. There would be a clear, unquestionable, moral element in such an issue, which would admit of no compromise, no concession, no

forbearance whatever. We could never sanction such a policy; we could never submit to it. A million of swords would leap from their scabbards to arrest it, and the Union itself would be shivered like a Prince Rupert's drop in the shock!

But, sir, the question whether the institution of slavery, as it already exists, shall be permitted to extend itself over a hundred, or a hundred thousand, more square miles than it now occupies, is a different question. The influences of such a policy upon the ultimate extinction of slavery, and upon the condition of its unfortunate victims as long as it lasts, may well be a subject for careful consideration. There may be two sides even to some of the moral aspects of the question. At any rate, sir, it is not, in my judgment, such an issue that conscientious and religious men may not be free to acquiesce in whatever decision may be arrived at by the constituted authorities of the country.

For myself, Mr. Chairman, I can truly say, that it is not with a view of cooping up slavery, as it has been termed, within limits too narrow for its natural growth; that it is not for the purpose of girding it round with lines of fire till its sting, like that of the scorpion, shall be turned upon itself; that it is not for the sake of subjecting it to a sort of *experimentum crucis;* that I, for one, have ever advocated the principles of the ordinance of 1787. Nor have I the slightest imagination that such would be the result of enforcing those principles, within any estimable period of time.

Why, sir, are you aware, do Southern gentlemen remember, that what are called the slave States of this Union, Texas to the Rio Grande being included, contain about nine hundred and forty thousand square miles of territory, with a white population, by the census of 1840, of considerably less than five millions of people? Allow, if you please, that this population has increased, during the last ten years, sufficiently to bring up the whole existing population, slaves included, to nine millions of people. You have then less than ten persons, black and white, bond and free, to a square mile of territory! Is there not room enough here for every degree of expansion which can be predicted, upon the largest calculation, for a century to come?

Mean time, sir, do not forget, that the free States, with a population, by the census of 1840, of more than nine millions and a half, and which must now have run up to not less than thirteen or fourteen millions, have only about four hundred and fifty thousand square miles. In other words, the free States, at this moment, have thirty persons to a square mile, while the slave States have only ten!

I exclude all the territories in this calculation. But it is a striking fact, that if all the territories, without exception, not included within the limits of any State, were added to the free States, and a proportion were then instituted between the number of square miles occupied by the *free white population* of the two classes of States, it would be found that the slave States would fall but little short of their full share. And this, sir, without making any allowance for the uninhabitable deserts and frozen wastes and mountains of rock and ice, by which these territories are so greatly curtailed in their dimensions, so far as any practical purposes of occupation or enjoyment are concerned.

I repeat, then, Mr. Chairman, it is not with the vain idea of crowding slavery out of existence, that I adhere to the principles of the ordinance of 1787.

Nor is it, sir, upon any consideration of local power, or with any view of securing a sectional preponderance. For one, I see in the Constitution of the United States an ample security against any real aggression which either section of the Union could be tempted to commit against the other. And even if it were not so, there is a peculiar tie of common interest among the slave States, growing out of this very institution of slavery, which always has made them, and always will make them, a full match for any number of free States which may be included within the limits of this Union. In our local competitions and party differences, they will find ample room for the exercise of a controlling influence. I am not sure that it is not their destiny always to hold the balance of power among States and between parties, and thus to be able to adopt the proud motto—*præest cui adhæreo*"—which may be liberally interpreted "*he shall be President, to whom I adhere!*"

Sir, the territories which have come under our guardianship are, in my judgment, of more worth than to be made the mere *make-weights* in the scales of sectional equality. They are entitled to another sort of consideration, than to be cut up and partitioned off, like down-trodden Poland, in order to satisfy the longings, and appease the jealousies, of surrounding States. They are—they ought certainly—to be disposed of and regulated by us, with a primary regard to the prosperity and welfare of those who occupy them now, and those who are destined to occupy them hereafter, and not with the selfish view of augmenting the mere local power or pride of any of us.

Mr. Chairman, I see in the territorial possessions of this Union, the seats of new States, the cradles of new Commonwealths, the nurseries, it may be, of new Republican empires. I see, in them, the future abodes of our brethren, our children, and our children's children, for a thousand generations. I see, growing up within their borders, institutions upon which the character and condition of a vast multitude of the American family, and of the human race, in all time to come, are to depend. I feel, that for the original shaping and moulding of these institutions, you and I, and each one of us who occupy these seats, are in part responsible. And I cannot omit to ask myself, what shall I do, that I may deserve the gratitude and the blessing, and not the condemnation and the curse, of that posterity, whose welfare is thus in some degree committed to my care?

As I pursue this inquiry, sir, I look back instinctively to the day, now more than two hundred years ago, when the Atlantic coast was the scene of events like those now in progress upon the Pacific; when incited, not, indeed, by a love of gold, but by a devotion to that which is better than gold, and whose price is above rubies, the forefathers of New England were planting their little colony upon that rock-bound shore. I look back to the day when slavery existed nowhere upon the American continent, and before that first Dutch ship, "built in the eclipse, and rigged with curses dark," had made its way to Jamestown, with a cargo of human beings in bondage. I reflect how much our fathers would have exulted, could they have arrested the progress of that ill-starred vessel, and of all

others of kindred employment. I remember how earnestly the patriots of Virginia and South Carolina again and again pleaded and protested against the policy of Great Britain in forcing slaves upon them against their will. I recall the original language of the Declaration of Independence itself, as first drafted by *Thomas Jefferson*, assigning it as one of the moving causes for throwing off our allegiance to the British monarch, that "he had waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither;" and that, "determined to keep open a market where men should be bought and sold, he had prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce."

I remember, too, that whatever material advantages may have since been derived from slave labor in the cultivation of a crop which was then unknown to our country, the moral character and social influences of the institution are still precisely what they were described to be, by those who understood them best, in the earlier days of the Republic. And I see, too, as no man can help seeing, that almost all the internal dangers and domestic dissensions which cast a doubt, or a shadow of doubt, upon the perpetuity of our glorious Union, have been and still are, the direct or indirect consequences of the existence of this institution. And thus seeing, thus remembering, thus reflecting, how can I do otherwise than resolve, that it shall be by no vote of mine that slavery shall be established in any territory where it does not already exist?

These, Mr. Chairman, are the considerations which influence and control my action on the questions before us. I do not ask, what the Northern States, or what the Southern States, might find most agreeable to their feelings, or most advantageous to their interests. I ask only, what is right, what is just, what is best, for the permanent welfare of the people of those future Commonwealths, whose foundations are now about to be laid, and whose destinies are now about to be determined. And all my observation, all my experience, all the convictions of my mind and of my heart, unite in replying to this question, that slavery is not only an injustice and a wrong to those who are under its immediate yoke, but that it is an evil and an injury to the highest social, moral, and political interests of any State in which it exists.

Here, then, sir, I bring these remarks to a close. I have explained, to the best of my ability, the views which I entertain of *the great questions of the day*. Those views may be misrepresented hereafter, as they have been heretofore; but they cannot be misunderstood by any one who desires, or who is even willing, to understand them. Most gladly would I have found myself agreeing more entirely with some of the friends whom I see around me, and with more than one of those elsewhere, with whom I have always been proud to be associated, and whose lead, on almost all occasions, I have rejoiced to follow.

One tie, however, I am persuaded, still remains to us all—a common devotion to the Union of these States, and a common determination to sacrifice everything but principle to its preservation. Our responsibilities are indeed great. This vast Republic, stretching from sea to sea, and rapidly

outgrowing everything but our affections, looks anxiously to us, this day, to take care that it receives no detriment. Nor is it too much to say, that the eyes and the hearts of the friends of constitutional freedom throughout the world are at this moment turned eagerly here—more eagerly than ever before—to behold an example of successful Republican Institutions, and to see them come out safely and triumphantly from the fiery trial to which they are now subjected!

I have the firmest faith that these eyes and these hearts will not be disappointed. I have the strongest belief that the visions and phantoms of disunion which now appal us, will soon be remembered only like the clouds of some April morning, or "the dissolving views" of some evening spectacle. I have the fullest conviction that this glorious Republic is destined to outlast all, all, at either end of the Union, who may be plotting against its peace, or predicting its downfall.

> "Fond, impious man! think'st thou yon sanguine cloud,
> Raised by thy breath, can quench the orb of day?
> To-morrow, it repairs its golden flood,
> And warms the nations with redoubled ray!"

Let us proceed in the settlement of the unfortunate controversies in which we find ourselves involved in a spirit of mutual conciliation and concession:—Let us invoke fervently upon our efforts the blessing of that Almighty Being who is "the author of peace and the lover of concord:"—And we shall still find order springing out of confusion, harmony evoked from discord, and Peace, Union, and Liberty, once more reassured to our land!